

IN RE: PETITIONS FOR VARIANCE * BEFORE THE
N/S Link Avenue, 474' & 524' NW of *
the c/l Belair Road (4112 and * DEPUTY ZONING COMMISSIONER
4114 Link Avenue); and, S/S Silver *
Spring Road, 630' & 580' W of * OF BALTIMORE COUNTY
the c/l Belair Road (4109 and *
(4111 Silver Spring Road) * Cases Nos. 97-21-A, 97-22-A
11th Election District * 97-23-A, and 97-24-A
6th Councilmanic District *

Kenneth J. Goeller, Jr., et ux *
and Francis D. Kemp, Jr. - Petitioners

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as combined Petitions for Variance for those properties known as 4112 and 4114 Link Avenue and 4109 and 4111 Silver Spring Road, located in the vicinity of Joppa Road and Belair Road in Perry Hall. The Petitions were filed by Kenneth J. Goeller, Jr., and his wife, Charlene J. Goeller, owners of 4114 Link Avenue and 4111 Silver Spring Road, and Francis D. Kemp, Jr., owner of 4112 Link Avenue and 4109 Silver Spring Road. In all four cases, relief is sought from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a lot width of 50 feet in lieu of the required 55 feet, and a side yard setback of 8 feet in lieu of the required 10 feet for existing and proposed improvements. The subject properties and relief requested are more particularly described on the respective site plans submitted with each Petition filed, which were accepted and marked into evidence as Petitioner's Exhibits 1.

Appearing at the hearing on behalf of the Petitions were Kenneth and Charlene Goeller, Francis Kemp, Jr., and Alexander P. Ratych, Registered Land Surveyor who prepared the site plans for each case. There were no Protestants present.

Testimony and evidence offered revealed that the properties known

MICROFILMED

ORDER RECEIVED FOR FILING

Date

By

as 4112 and 4114 Link Avenue are located adjacent to one another in the subdivision known as Fullerton Farms. The two properties are 50 feet wide and nearly 400 feet deep and abut Link Avenue in the front and Silver Spring Road in the rear. The Goellers and the Kemps have been neighbors for many years. The Petitioners now wish to subdivide their respective properties to create a second building lot which will front on Silver Spring Road. They then propose to develop that lot with a new single family dwelling for their respective families and either rent or sell their current homes. Due to the narrow width of the properties and the location of existing improvements thereon, the requested variances to lot width and setback requirements are necessary to legitimize existing conditions and to proceed with the proposed improvements.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether a grant of the variance would do a substantial justice to the applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give sufficient relief; and,
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).


After due consideration of the testimony and evidence presented,

it is clear that practical difficulty or unreasonable hardship will result if the variances are not granted. It has been established that special circumstances or conditions exist that are peculiar to the land and structures which are the subject of these requests and that the requirements from which the Petitioners seek relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the relief requested will not cause any injury to the public health, safety or general welfare and is in strict harmony with the spirit and intent of the B.C.Z.R.

Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 22nd day of August, 1996 that the Petitions for Variance seeking relief from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a lot width of 50 feet in lieu of the required 55 feet, and a side yard setback of 8 feet in lieu of the required 10 feet for existing and proposed improvements at 4112 and 4114 Link Avenue, and 4109 and 4111 Silver Spring Road, in accordance with Petitioner's Exhibits 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.


TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

August 22, 1996

Mr. & Mrs. Kenneth J. Goeller, Jr.
4114 Link Avenue
Baltimore, Maryland 21236

Mr. Francis D. Kemp, Jr.
4112 Link Avenue
Baltimore, Maryland 21236

RE: PETITIONS FOR VARIANCE
N/S Link Avenue, 474' & 524' NW of the c/l Belair Road
(4112 and 4114 Link Avenue); and,
S/S Silver Spring Road, 630' & 580' W of the c/l Belair Road
(4109 and 4111 Silver Spring Road)
Kenneth J. Goeller, Jr., et ux, and Francis D. Kemp, Jr. - Petitioners
Cases Nos. 97-21-A, 97-22-A, 97-23-A, and 97-24-A

Dear Mr. & Mrs. Goeller and Mr. Kemp:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Variance have been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

A handwritten signature in cursive script, reading "Timothy Kotroco".

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: Mr. Alexander P. Ratych, APR Associates, Inc.
7427 Harford Road, Baltimore, Md. 21234

People's Counsel

File

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Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at

4111 Silver Spring Road

97-24-A

which is presently zoned

DR 5.5

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s), 1B02.3.C1

To allow the creation of a 50' lot in lieu of the required 55' and a side yard setback of 8' in lieu of the required 10'.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty)

The Lots, 50' feet wide, were created on the Plat of Fullerton Farms, dated May 1922, and cannot meet the present zoning required of 55' feet in width.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Legal Owner(s)

Kenneth J. Goeller, Jr.

(Type or Print Name)

Signature

Charlene A. Goeller

(Type or Print Name)

Signature

Tel: (410) 256-2807

4114 Link Avenue

Address

Phone No

Baltimore, Maryland 21236

City

State

Zipcode

Name, Address and phone number of representative to be contacted.

Alexander P. Ratych

APR Associates, Inc.

Name

7427 Harford Road 444-4312

Address

Phone No

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates

Next Two Months

ALL

OTHER

REVIEWED BY:

CAM

DATE

18 JUL 90

Item #25

Printed with Soybean Ink
on Recycled Paper

MICROFILMED

(Schedule w/ items 22, 23 & 24)

ORDER RECEIVED FOR FILING
8/22/90
Date

ZONING DESCRIPTION FOR
4111 SILVER SPRING ROAD

97-24-A

BEGINNING FOR THE SAME at a point on the Southerly side of Silver Spring Road, 70' feet wide, on which the property fronts, and at the distance of 520' feet more or less Westerly from the centerline of Belair Road and being also in line with the division line between Lot 63 and 64 as shown on the Plat of Fullerton Farms, recorded in Plat Book WPC 7, Folio 52; thence leaving Silver Spring Road and running 1) South 34 degrees 41 minutes 30 seconds West 252.23 feet to a point; thence crossing Lot 65 2) North 55 degrees 18 minutes 30 seconds West 50.00 feet to a point on the division line between Lots 64 and 65; thence binding thereon and continuing the same course 3) North 34 degrees 41 minutes 30 seconds East 224.94 feet to intersect the Southerly side of Silver Spring Road; thence 4) binding thereon by a curve to the left having a radius of 710.00 feet for an arc length of 52.98 feet and thence 5) South 89 degrees 05 minutes 17 seconds East 54.04 feet to the point of beginning; containing 0.2456 acres more or less.

ALSO to be known as 4111 Silver Spring Road and located in the 11th Election District and 6th Councilmanic District of Baltimore County.

07/08/96



MICROFILMED

7427 Hartford Road
Baltimore, Maryland 21234-7160
(410) 444-4312
Fax: (410) 444-1647

#25

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland
97-24-12

District 112

Posted for: Varano

Date of Posting 8/6/96

Petitioner: Rowntree & Charles B. Collier

Location of property: 4111 S. 11th St. Spotswood Rd

Location of Signer: Leaving Property on Property being zoned

Remarks: _____

Posted by: _____

Signature

Number of Signs: 1

Date of return: 8/12/96

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NOTICE OF HEARING

The Zoning Commission of Baltimore County, by Authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

Case #87-24-A

(Item 25)

4111 Silver Spring Road

S/S Silver Spring Road, 680'

W of c/l Balair Road

11th Election District

6th Councilmanic

Legal Owner(s):

Kenneth J. Goeller, Jr. and

Charlene A. Goeller

Variance: to allow the erection of a smaller 60 foot lot in lieu of the required 65 feet and a side yard setback of 8 feet in lieu of the required 10 feet.

Hearing: Tuesday, August 20, 1993 at 8:30 a.m. in Rm. 118, Old Courthouse.

LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

NOTES: (1) Hearings are Handicapped Accessible, for special accommodations Please Call 887-3353.

(2) For information concerning the File and/or Hearing, Please Call 887-3351.

8/03/93 August 1, C70806

CERTIFICATE OF PUBLICATION

TOWSON, MD., 8/1, 1996

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 8/1, 1996.

THE JEFFERSONIAN,

A. H. Erickson
LEGAL AD. - TOWSON

RECORDED
INDEXED



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County zoning regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be accessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 25 Petitioner: FRANCIS D. KARP, JR.

Location: 4111 SILVER SPRING ROAD

PLEASE FORWARD ADVERTISING BILL TO:

NAME: APR ASSOCIATES, INC.

ADDRESS: 7427 HARFORD ROAD
BALTIMORE, MD 21234

PHONE NUMBER: 410 644-4312

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Baltimore County Government
Department of Permits and Licenses



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3610

August 17, 1995

Mr. Ben Bronstein, Esquire
Evans, George and Bronstein
29 West Susquehanna Avenue
Suite 205
Towson, MD 21204

Re: DRC Approval
Villa Julie College
S/s Greenspring
Valley Road
0' E of Nacirema Lane
1521 Greenspring
Valley Road
8th Election District
3rd Councilmanic District
DRC No. 06195K

Dear Mr. Bronstein:

Please be advised that an appeal of the above-referenced case was filed in this office on August 9, 1995 by John Bernstein, Esquire on behalf of Richard B. Buck, and the Valley's Planning Council. All materials relative to the case have been forwarded to the Baltimore County Board of appeals, "Board".

If you have any questions concerning this matter, please do not hesitate to contact the Board at 887-3180.

Sincerely,

A handwritten signature in black ink, appearing to read "Arnold Jablon", with a stylized flourish at the end.

ARNOLD JABLON
Director
Department of Permits and
Development Management

AJ:nmn

cc: J. Carroll Holzer, Esq.



TO: PUTUXENT PUBLISHING COMPANY
August 1, 1996 Issue - Jeffersonian

Please forward billing to:

APR Associates, Inc.
7427 Harford Road
Baltimore, MD 21234
4444-4312

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in
Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204
or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 97-24-A (Item 25)
4111 Silver Spring Road
S/S Silver Spring Road, 580' W of c/l Belair Road
11th Election District - 6th Councilmanic
Legal Owner(s): Kenneth J. Goeller, Jr. and Charlene A. Goeller

Variance to allow the creation of a 50 foot lot in lieu of the required 55 feet and a side yard setback of 8 feet in lieu of the required 10 feet.

HEARING: TUESDAY, AUGUST 20, 1996 at 9:30 a.m. in Room 118, Old Courthouse.

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

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Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

July 26, 1996

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204
or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 97-24-A (Item 25)
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S/S Silver Spring Road, 580' W of c/l Belair Road
11th Election District - 6th Councilmanic
Legal Owner(s): Kenneth J. Goeller, Jr. and Charlene A. Goeller

Variance to allow the creation of a 50 foot lot in lieu of the required 55 feet and a side yard setback of 8 feet in lieu of the required 10 feet.

HEARING: TUESDAY, AUGUST 20, 1996 at 9:30 a.m. in Room 118, Old Courthouse.

A handwritten signature in dark ink, appearing to read "Arnold Jablon", is written over a faint, circular official stamp.

Arnold Jablon
Director

cc: Kenneth and Charlene Goeller, Jr.
APR Associates, Inc.

- NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

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DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT

CONDITIONS OF EMPLOYMENT

Employees of the Division of Code Inspections and Enforcement are prohibited from engaging in any type of endeavor that is considered a conflict with your official duties or in conflict with the interests of the department.

Employees are prohibited from requesting licensed contractors or general contractors to use their name and license number or by requesting that permits be pulled by any contractor on behalf of the employee.

Any employee who owns rental property shall maintain these properties to code standards whether the properties are owned in Baltimore County or elsewhere.

No inspector may perform any work including physical labor, consultation, or providing advice, inside or outside of Baltimore County for compensation or for gratuities. Employees will be able to work on their own properties, i.e. construct your own home or renovate rental property. If the employee is a licensed plumber or electrician, the department will make provisions for the licensed county employee with a shelved license to pull a permit for their principal residence only.

If an inspector wishes to work, as defined above, on a project other than their principal residence, the property of a relative, or for a non-profit organization, without compensation or gratuity, permission must be requested from both John Altmeyer and Rick Wisnom.

Employees are prohibited from inspecting his or her own property or the property of relatives.

Acceptance of any gratuities for any purpose is prohibited.

An employee may not testify as an expert witness in a court proceeding concerning a private matter. The employee may testify only as to the facts and only if summons has been served. An employee may testify as an expert only for and on behalf of the county and with knowledge of the Chief of the Division of Code Inspections and Enforcement.

A violation of any of these policies will result in immediate termination.

3/27/96

Bryant, Bill



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

August 19, 1996

Mr. and Mrs. Kenneth J. Goeller, Jr.
4114 Link Avenue
Baltimore, MD 21236

RE: Item No.: 25
Case No.: 97-24-A
Petitioner: Kenneth Goeller, et ux

Dear Mr. Goeller:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on July 18, 1996.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Roslyn Eubanks in the zoning office (887-3391).

Sincerely,

A handwritten signature in dark ink, appearing to read "Carl Richards, Jr.", is written over a rectangular stamp that is partially obscured.

W. Carl Richards, Jr.
Zoning Supervisor

WCR/re
Attachment(s)

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BALTIMORE COUNTY, MARYLAND

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT

TOWSON, MARYLAND 21204

[Signature]
DIRECTOR

[Signature]
BUILDINGS ENGINEER

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Permits and Development
Management

DATE: July 30, 1996

FROM: Pat Keller, Director
Office of Planning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning has no comments on the following petition(s):

Item Nos. 22, 23, 24 and 25.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3495.

Prepared by:

Jeffrey W. Long

Division Chief:

Daryl L. Kerns

PK/JL/lw

100-1-10

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

DEVELOPMENT PLAN CONFERENCE

TO: Arnold Jablon, Director - Department of Permits & Development Management
FROM: Arnold F. (Pat) Keller, III, Director - Office of Planning
DATE: August 23, 1995
PROJECT NAME: Glyndon Mews
PROJECT NUMBER: IV-479
PROJECT PLANNER: Francis Jake Morsey

GENERAL INFORMATION:

Applicant Name: Prestige Development, Inc.
8010 Derby Lane
Owings Mills MD 21117
Location: W/S Gaskins Lane, NE of Central Avenue
Councilmanic District: 3rd
Growth Management Area: Community Conservation & Rural Protection Areas
Zoning: DR 2, RC 2, RC 5
Acres: 18.7 acres

Surrounding Zoning and Land Use:

North:	D.R. 2	Residential
South:	D.R. 2	Institutional
East:	R.C. 5	Vacant-Forest
West:	D.R. 2	Residential

Project Proposal:

The applicant proposes 21 single-family dwellings on 18.7 acres of land zoned DR 2 (9.9 acres), RC 5 (7.3 acres), and RC 2 (1.5 acres). The majority of the site is wooded with some open fields, a stream and springhead. There are some steep slopes greater than 25%. Variances will be requested to allow a minimum 15' building setback from the property line in an RC 5 zone in lieu of 50' and to allow a minimum 15' building front to the right of way in lieu of 25'. Waivers will be required to allow two (2) houses in an RC 5 zone to be serviced by public water and sewer and to allow a 24' road on a 40' right of way in lieu of a 30' road on a 50' right of way.



Maryland Department of Transportation
State Highway Administration

David L. Winstead
Secretary
Hal Kassoff
Administrator

7-30-86

Ms. Joyce Watson
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 025 (CAM)

Dear Ms. Watson:

This office has reviewed the referenced plan and we have no objection to approval as the development does not access a State roadway and is not effected by any State Highway Administration projects.

Please contact Bob Small at 410-545-5581 if you have any questions. Thank you for the opportunity to review this plan.

Very truly yours,

for *Bob Small*
Ronald Burns, Chief
Engineering Access Permits
Division

BS

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717

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BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits & Development
Management

Date: August 2, 1996

FROM: *RWB* Robert W. Bowling, Chief
Development Plans Review Division

SUBJECT: Zoning Advisory Committee Meeting
for August 5, 1996
Item Nos. 017, 019, 020, 021, 022,
023, 024, and 025

The Development Plans Review Division has reviewed the subject zoning item, and we have no comments.

RWB:HJO:jrb

cc: File

ZONE20

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RE: PETITION FOR VARIANCE	*	BEFORE THE
4111 Silver Spring Road, S/S Silver		
Spring Road, 580' W of c/l Belair Road	*	ZONING COMMISSIONER
11th Election District, 6th Councilmanic		
	*	OF BALTIMORE COUNTY
Kenneth J. and Charlene A. Goeller, Jr.		
Petitioners	*	CASE NO. 97-24-A

* * * * *

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

CAROLE S. DEMILIO
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

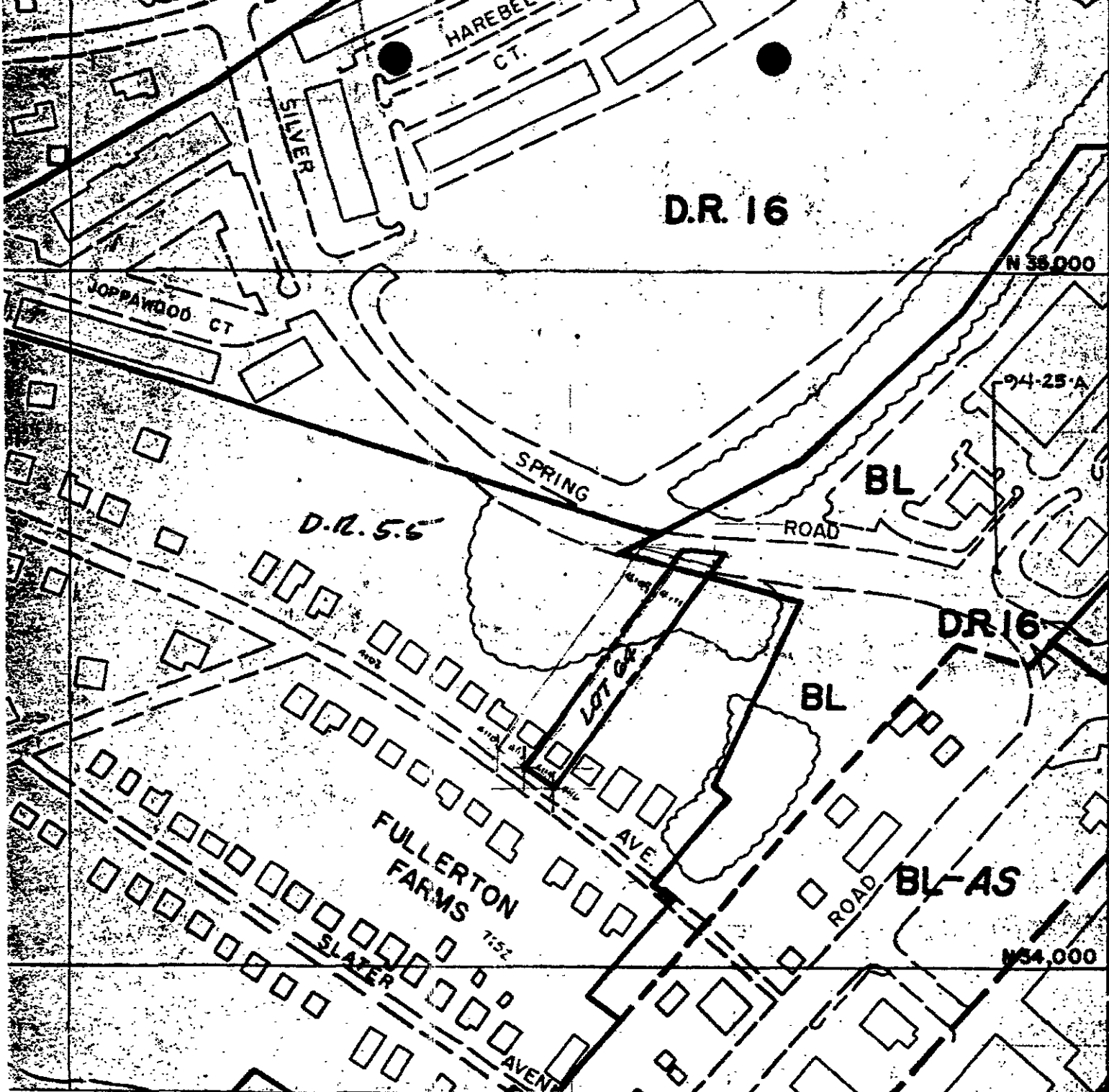
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 23rd day of August, 1996, a copy of the foregoing Entry of Appearance was mailed to Alexander P. Ratych, APR Associates, Inc. 7427 Harford Road, Baltimore, MD 21234, representative for Petitioners.

Peter Max Zimmerman

PETER MAX ZIMMERMAN

RECEIVED



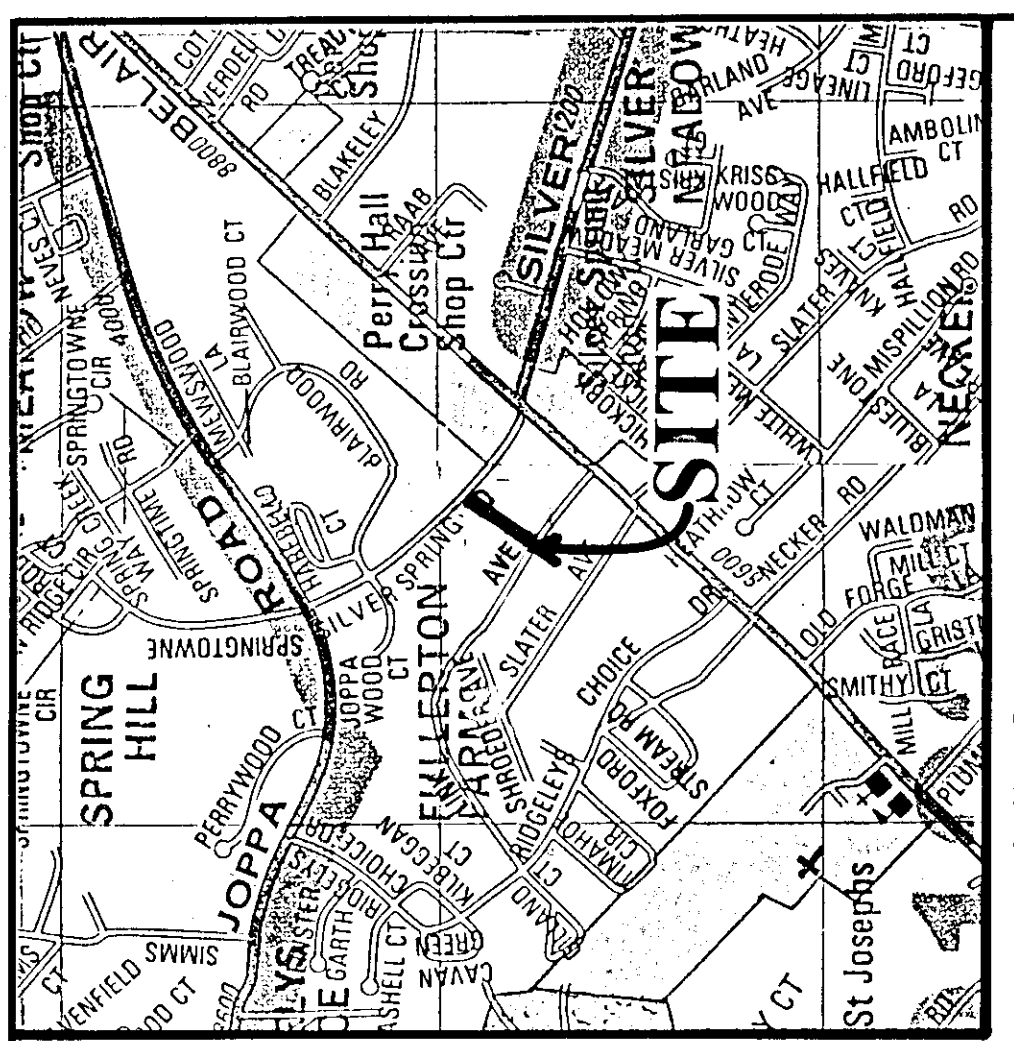
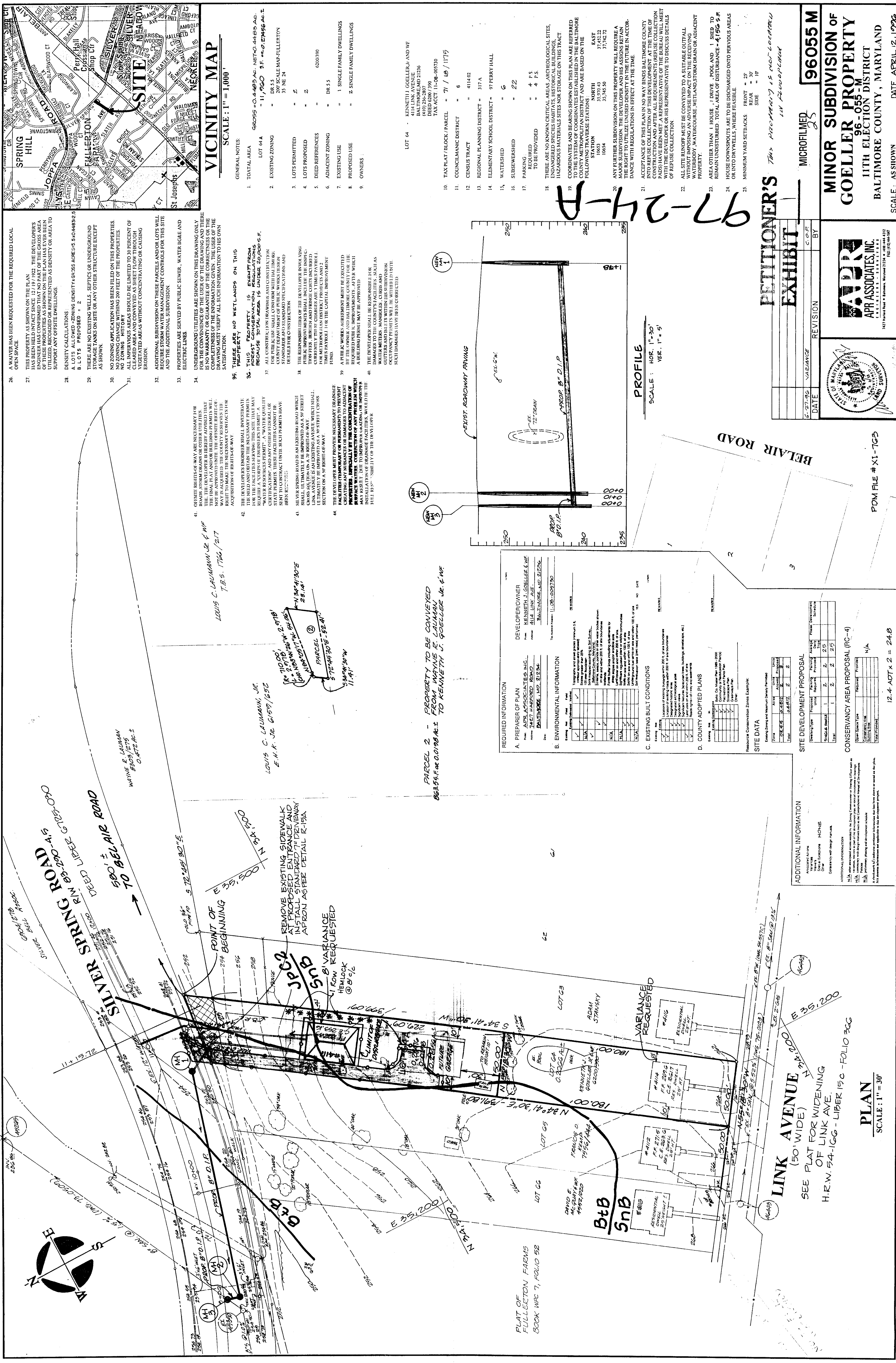
1992 COMPREHENSIVE ZONING MAP
 Adopted by the Baltimore County Council
 Oct. 15, 1992

Map Nos. 183-92, 184-92, 185-92, 186-92, 187-92, 188-92, 189-92

SCALE	LOCATION	SHEET
1" = 200' ±	97-24-A	N.E.
DATE OF PHOTOGRAPHY	PERRY HALL	9-F
JANUARY		

PHOTOGRAPHED

#25



- VICINITY MAP**
SCALE: 1" = 1,000'
- GENERAL NOTES
1. TOTAL AREA 64,000 ± 0.44 AC. NET 40.44 AC. 2. LOT 64 11,760 ± 0.44 AC. 3. LOT 64 11,760 ± 0.44 AC. 4. LOT 64 11,760 ± 0.44 AC. 5. LOT 64 11,760 ± 0.44 AC. 6. LOT 64 11,760 ± 0.44 AC. 7. LOT 64 11,760 ± 0.44 AC. 8. LOT 64 11,760 ± 0.44 AC. 9. LOT 64 11,760 ± 0.44 AC. 10. LOT 64 11,760 ± 0.44 AC. 11. LOT 64 11,760 ± 0.44 AC. 12. LOT 64 11,760 ± 0.44 AC. 13. LOT 64 11,760 ± 0.44 AC. 14. LOT 64 11,760 ± 0.44 AC. 15. LOT 64 11,760 ± 0.44 AC. 16. LOT 64 11,760 ± 0.44 AC. 17. LOT 64 11,760 ± 0.44 AC. 18. LOT 64 11,760 ± 0.44 AC. 19. LOT 64 11,760 ± 0.44 AC. 20. LOT 64 11,760 ± 0.44 AC. 21. LOT 64 11,760 ± 0.44 AC. 22. LOT 64 11,760 ± 0.44 AC. 23. LOT 64 11,760 ± 0.44 AC. 24. LOT 64 11,760 ± 0.44 AC. 25. LOT 64 11,760 ± 0.44 AC.

- GENERAL NOTES
1. TOTAL AREA 64,000 ± 0.44 AC. NET 40.44 AC. 2. LOT 64 11,760 ± 0.44 AC. 3. LOT 64 11,760 ± 0.44 AC. 4. LOT 64 11,760 ± 0.44 AC. 5. LOT 64 11,760 ± 0.44 AC. 6. LOT 64 11,760 ± 0.44 AC. 7. LOT 64 11,760 ± 0.44 AC. 8. LOT 64 11,760 ± 0.44 AC. 9. LOT 64 11,760 ± 0.44 AC. 10. LOT 64 11,760 ± 0.44 AC. 11. LOT 64 11,760 ± 0.44 AC. 12. LOT 64 11,760 ± 0.44 AC. 13. LOT 64 11,760 ± 0.44 AC. 14. LOT 64 11,760 ± 0.44 AC. 15. LOT 64 11,760 ± 0.44 AC. 16. LOT 64 11,760 ± 0.44 AC. 17. LOT 64 11,760 ± 0.44 AC. 18. LOT 64 11,760 ± 0.44 AC. 19. LOT 64 11,760 ± 0.44 AC. 20. LOT 64 11,760 ± 0.44 AC. 21. LOT 64 11,760 ± 0.44 AC. 22. LOT 64 11,760 ± 0.44 AC. 23. LOT 64 11,760 ± 0.44 AC. 24. LOT 64 11,760 ± 0.44 AC. 25. LOT 64 11,760 ± 0.44 AC.

- GENERAL NOTES
1. TOTAL AREA 64,000 ± 0.44 AC. NET 40.44 AC. 2. LOT 64 11,760 ± 0.44 AC. 3. LOT 64 11,760 ± 0.44 AC. 4. LOT 64 11,760 ± 0.44 AC. 5. LOT 64 11,760 ± 0.44 AC. 6. LOT 64 11,760 ± 0.44 AC. 7. LOT 64 11,760 ± 0.44 AC. 8. LOT 64 11,760 ± 0.44 AC. 9. LOT 64 11,760 ± 0.44 AC. 10. LOT 64 11,760 ± 0.44 AC. 11. LOT 64 11,760 ± 0.44 AC. 12. LOT 64 11,760 ± 0.44 AC. 13. LOT 64 11,760 ± 0.44 AC. 14. LOT 64 11,760 ± 0.44 AC. 15. LOT 64 11,760 ± 0.44 AC. 16. LOT 64 11,760 ± 0.44 AC. 17. LOT 64 11,760 ± 0.44 AC. 18. LOT 64 11,760 ± 0.44 AC. 19. LOT 64 11,760 ± 0.44 AC. 20. LOT 64 11,760 ± 0.44 AC. 21. LOT 64 11,760 ± 0.44 AC. 22. LOT 64 11,760 ± 0.44 AC. 23. LOT 64 11,760 ± 0.44 AC. 24. LOT 64 11,760 ± 0.44 AC. 25. LOT 64 11,760 ± 0.44 AC.

- GENERAL NOTES
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PETITIONER'S EXHIBIT

DATE: 12-27-96 REVISION: BY: C.O.P.

97-24-A

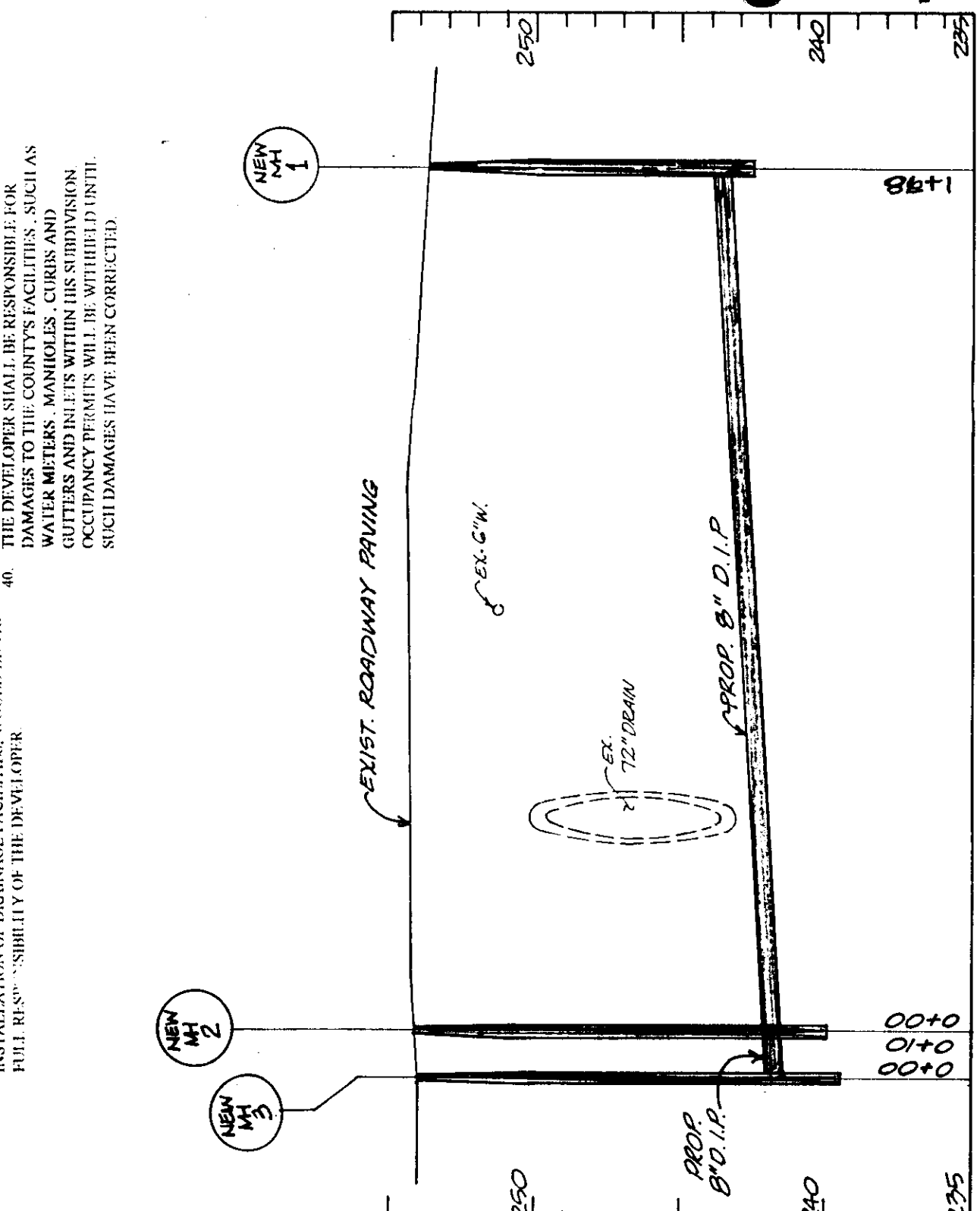
96055 M

MINOR SUBDIVISION OF GOELLER PROPERTY 11TH ELECTION DISTRICT BALTIMORE COUNTY, MARYLAND

APR ASSOCIATES, INC.

107 Holmes Road • Baltimore, Maryland 21202-2500 FAX (410) 544-1007

SCALE: AS SHOWN DATE: APRIL 12, 1998



REQUIRED INFORMATION

A. PREPARED BY: APR ASSOCIATES, INC. DATE: 12-27-96

B. ENVIRONMENTAL INFORMATION

C. EXISTING BUILT CONDITIONS

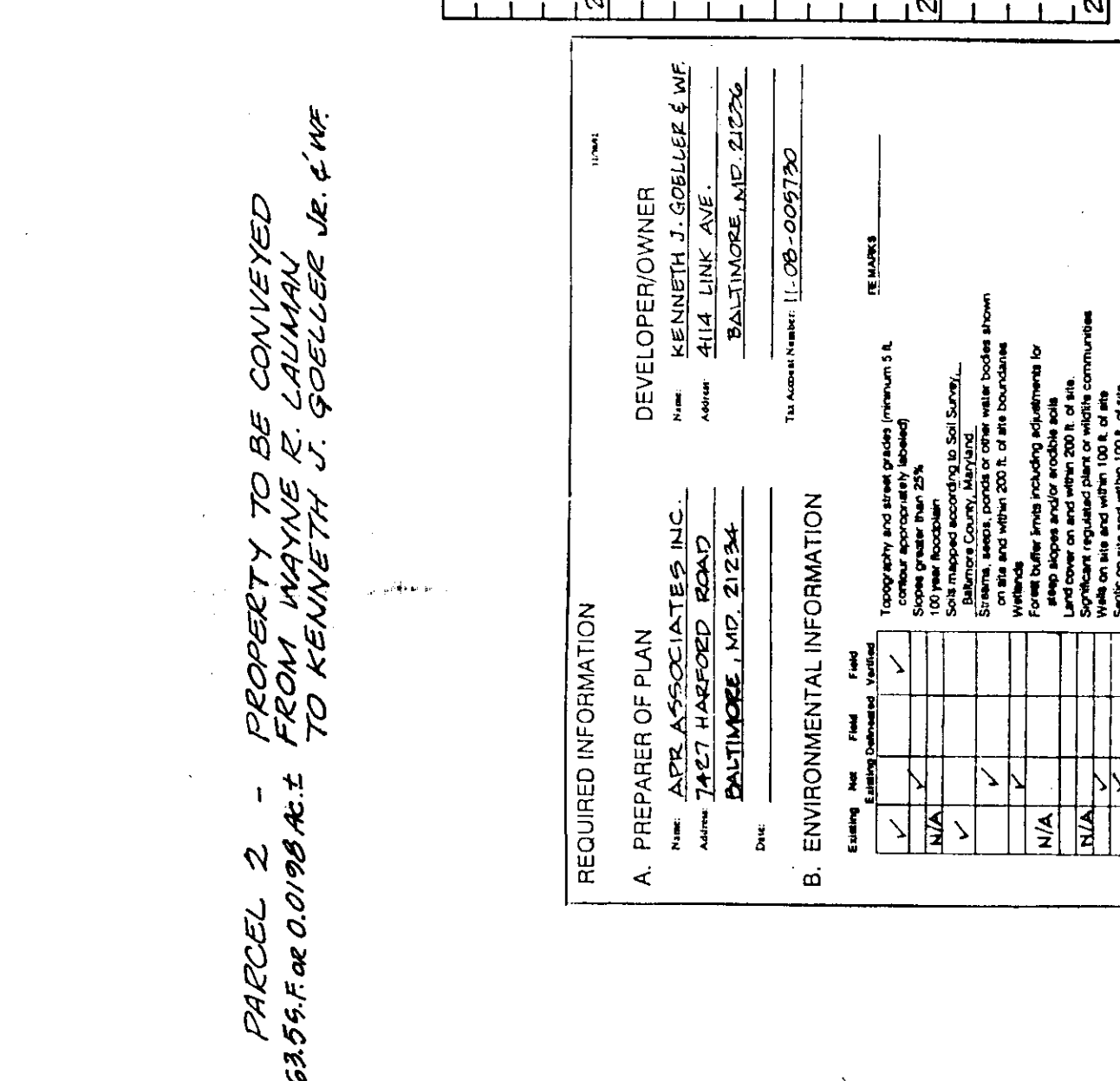
D. COUNTY ADOPTED PLANS

SITE DATA

12.4 ADT x 2 = 24.8

ADDITIONAL INFORMATION

12.4 ADT x 2 = 24.8



REQUIRED INFORMATION

A. PREPARED BY: APR ASSOCIATES, INC. DATE: 12-27-96

B. ENVIRONMENTAL INFORMATION

C. EXISTING BUILT CONDITIONS

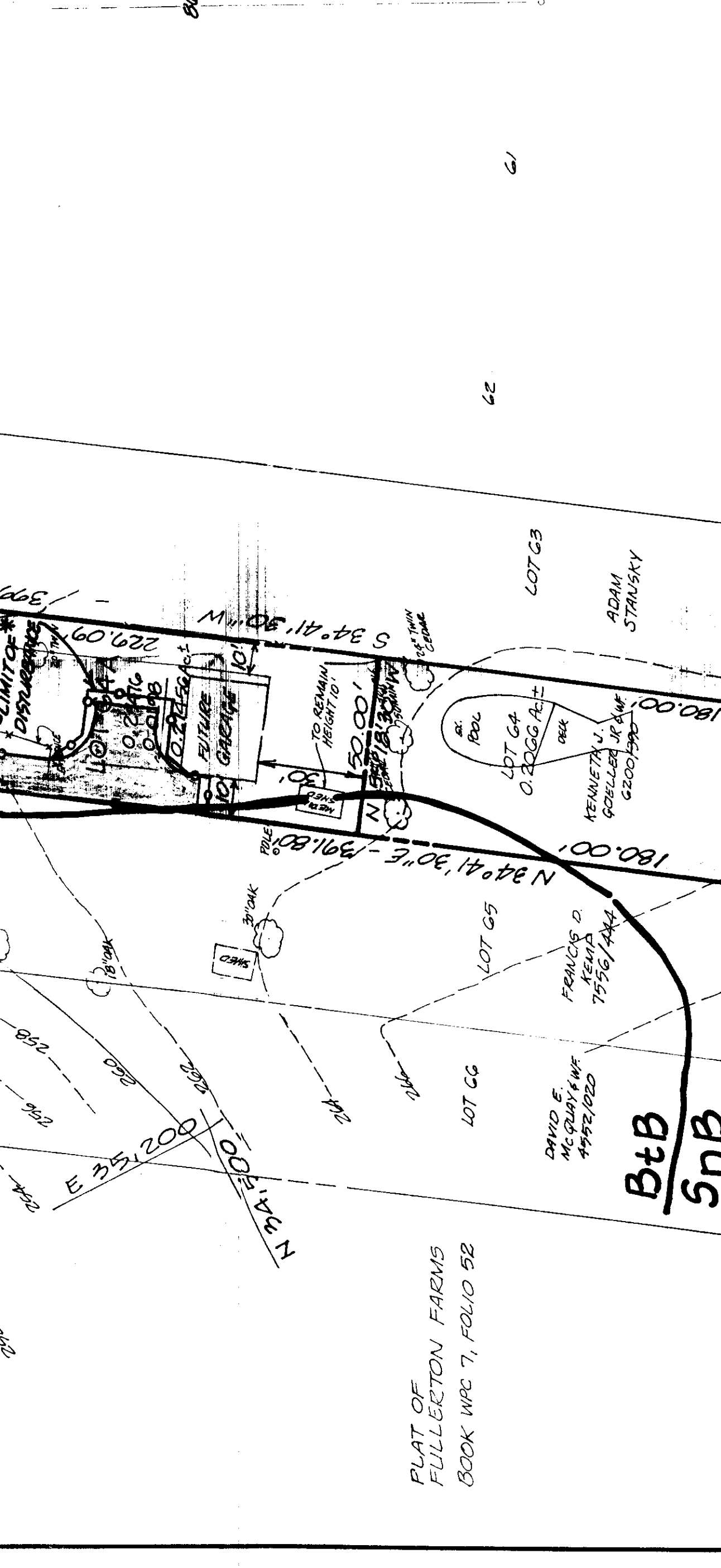
D. COUNTY ADOPTED PLANS

SITE DATA

12.4 ADT x 2 = 24.8

ADDITIONAL INFORMATION

12.4 ADT x 2 = 24.8



REQUIRED INFORMATION

A. PREPARED BY: APR ASSOCIATES, INC. DATE: 12-27-96

B. ENVIRONMENTAL INFORMATION

C. EXISTING BUILT CONDITIONS

D. COUNTY ADOPTED PLANS

SITE DATA

12.4 ADT x 2 = 24.8

ADDITIONAL INFORMATION

12.4 ADT x 2 = 24.8

TO: PETITION PUBLISHING COMPANY
August 1, 1996 Issue - Jeffersonian

Please forward billing to:

APR Associates, Inc.
7427 Harford Road
Baltimore, MD 21234
4444-4312

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 97-24-A (Item 25)
4111 Silver Spring Road
S/S Silver Spring Road, 580' W of c/l Belair Road
11th Election District - 6th Councilmanic
Legal Owner(s): Kenneth J. Goeller, Jr. and Charlene A. Goeller

Variance to allow the creation of a 50 foot lot in lieu of the required 55 feet and a side yard setback of 8 feet in lieu of the required 10 feet.

HEARING: THURSDAY, AUGUST 20, 1996 at 9:30 a.m. in Room 118, Old Courthouse.

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

July 26, 1996

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 97-24-A (Item 25)
4111 Silver Spring Road
S/S Silver Spring Road, 580' W of c/l Belair Road
11th Election District - 6th Councilmanic
Legal Owner(s): Kenneth J. Goeller, Jr. and Charlene A. Goeller

Variance to allow the creation of a 50 foot lot in lieu of the required 55 feet and a side yard setback of 8 feet in lieu of the required 10 feet.

HEARING: THURSDAY, AUGUST 20, 1996 at 9:30 a.m. in Room 118, Old Courthouse.

Arnold Jablon
Director

cc: Kenneth and Charlene Goeller, Jr.
APR Associates, Inc.

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

Printed with Soy-based ink
on Recycled Paper



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

August 19, 1996

Mr. and Mrs. Kenneth J. Goeller, Jr.
4114 Link Avenue
Baltimore, MD 21236

RE: Item No.: 25
Case No.: 97-24-A
Petitioner: Kenneth Goeller, et ux

Dear Mr. Goeller:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on July 18, 1996.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Roslyn Eubanks in the zoning office (887-3391).

Sincerely,

W. Carl Richards, Jr.
Zoning Supervisor

WCR/re
Attachment(s)

Printed with Soy-based ink
on Recycled Paper

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Permits and Development
Management

DATE: July 30, 1996

FROM: Pat Keller, Director
Office of Planning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning has no comments on the following petition(s):

Item Nos. 22, 23, 24 and 25.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3495.

Prepared by:

Division Chief

PK/JL/lw

ITEM22/PZONE/ZAC1



Maryland Department of Transportation
State Highway Administration

David L. Winstead
Secretary
Hal Kassoff
Administrator

RE: Baltimore County
Item No. 025 (CAM)

Ms. Joyce Watson
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

Dear Ms. Watson:

This office has reviewed the referenced plan and we have no objection to approval as the development does not access a State roadway and is not effected by any State Highway Administration projects.

Please contact Bob Small at 410-545-5581 if you have any questions. Thank you for the opportunity to review this plan.

Very truly yours,

for Bob Small
Ronald Burns, Chief
Engineering Access Permits
Division

BS

My telephone number is _____
Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free
Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits & Development
Management

Date: August 2, 1996

FROM: Robert W. Bowling, Chief
Development Plans Review Division

SUBJECT: Zoning Advisory Committee Meeting
for August 5, 1996
Item Nos. 017, 019, 020, 021, 022,
023, 024, and 025

The Development Plans Review Division has reviewed the subject zoning item, and we have no comments.

RWB:HJO:jrb

cc: File

ZONE20

RE: PETITION FOR VARIANCE
4111 Silver Spring Road, S/S Silver
Spring Road, 580' W of c/l Belair Road
11th Election District, 6th Councilmanic
Kenneth J. and Charlene A. Goeller, Jr.
Petitioners

BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY
CASE NO. 97-24-A

ENTRY OF APPEARANCE

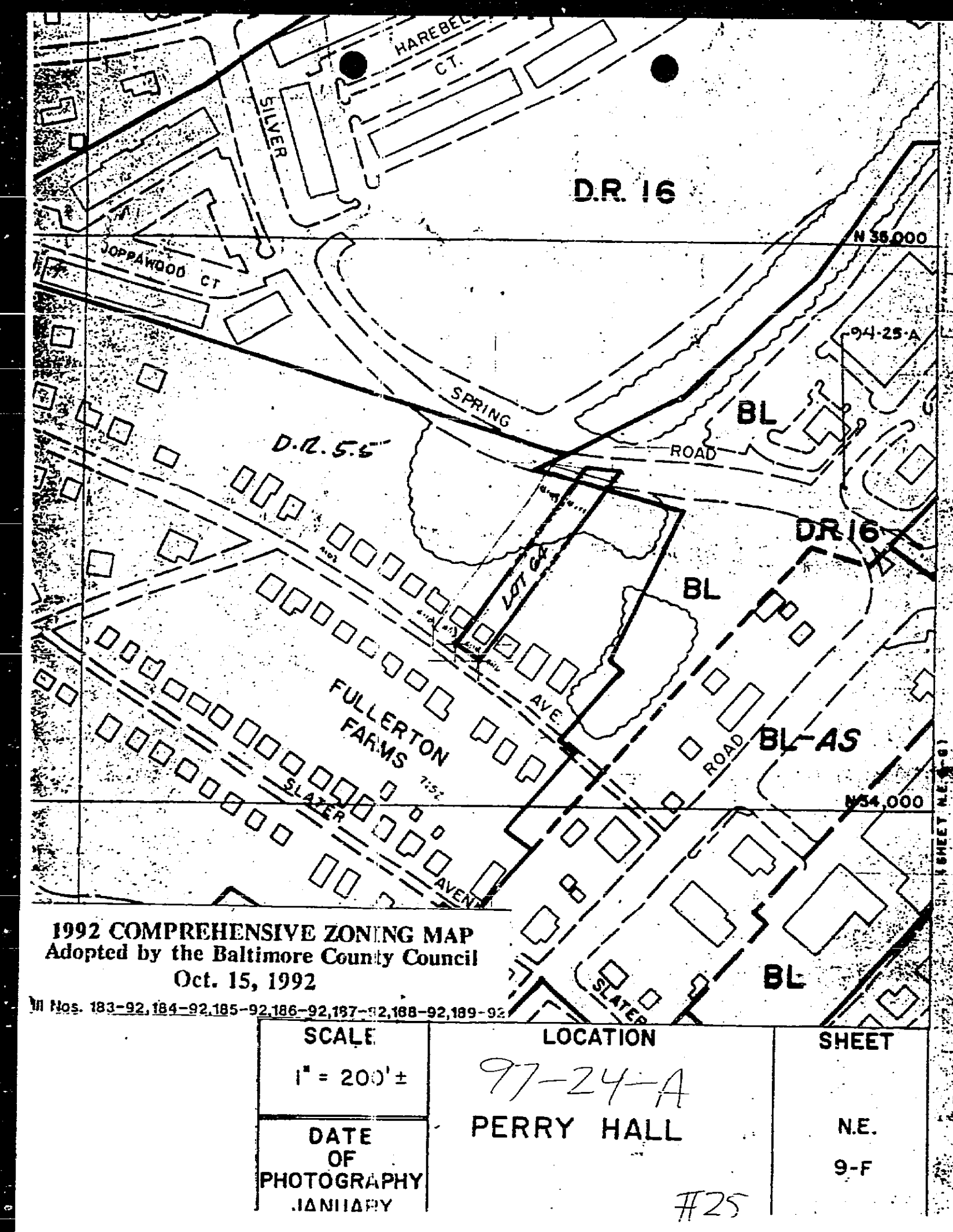
Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

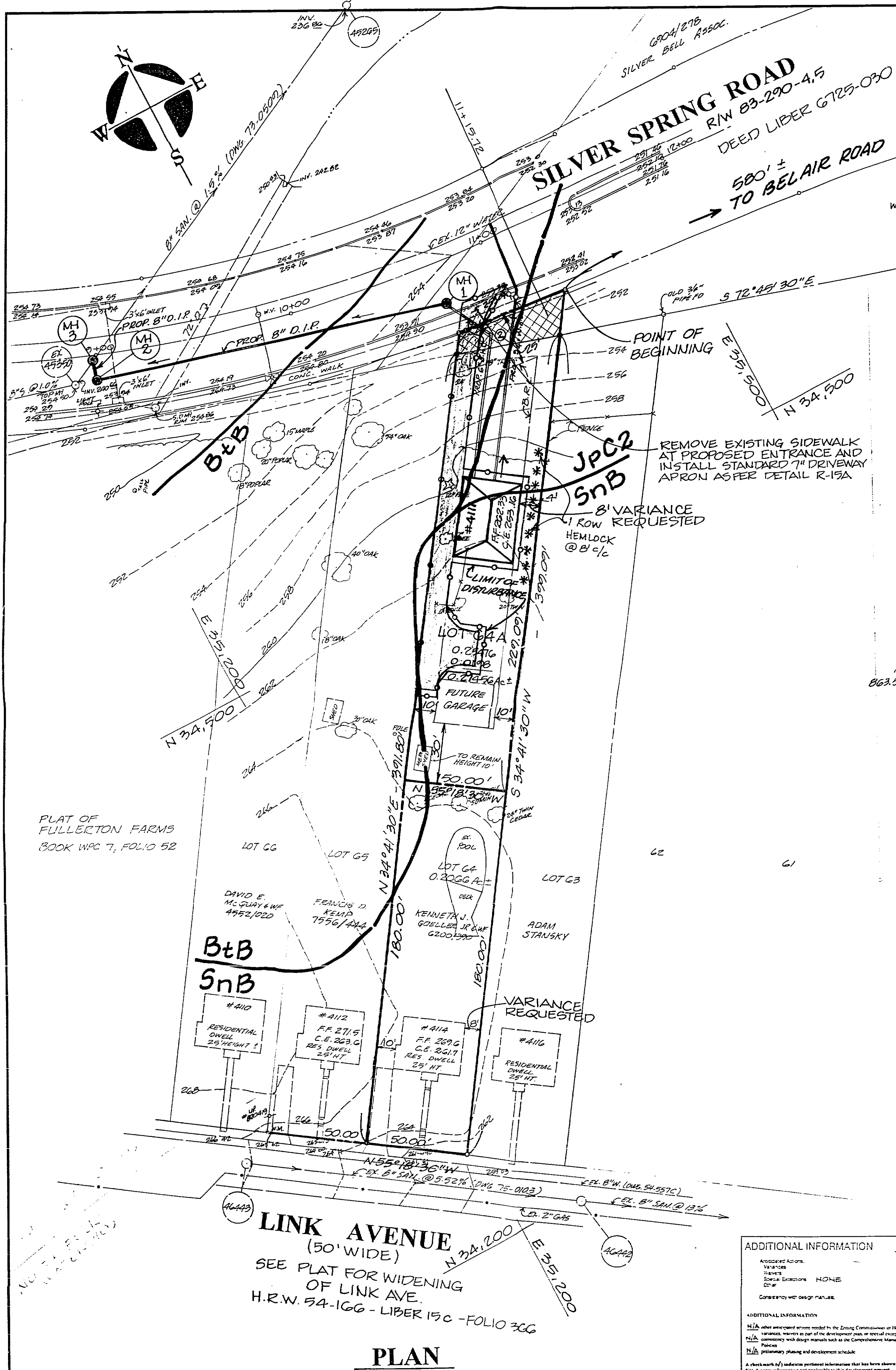
Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County
CAROLE S. DEMILIO
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 23rd day of August, 1996, a copy of the foregoing Entry of Appearance was mailed to Alexander P. Ratych, APR Associates, Inc. 7427 Harford Road, Baltimore, MD 21234, representative for Petitioners.

Peter Max Zimmerman
PETER MAX ZIMMERMAN





WAYNE E. LAUMAN
8303/275
0.472 AC ±

LOUIS C. LAUMAN JR. & WIFE
7.35. 1766/217

REMOVE EXISTING SIDEWALK
AT PROPOSED ENTRANCE AND
INSTALL STANDARD 7" DRIVEWAY
APRON AS PER DETAIL R-19A

8" VARIANCE
REQUESTED
HEMLOCK
@ 8' 6"

PARCEL 2 - PROPERTY TO BE CONVEYED
FROM WAYNE E. LAUMAN
8303/275 AC ±
TO KENNETH J. GOELLER JR. & WIFE

REQUIRED INFORMATION

A. PREPARER OF PLAN
Name: APR ASSOCIATES, INC.
Address: 11111 HARBOR ROAD
POTOMAC, MD 20854
Date: 06-02-96

DEVELOPER/OWNER
Name: KENNETH J. GOELLER JR. & WIFE
Address: 4114 LINK AVENUE
BALTIMORE, MD 21236
Tax Assessor: 11-08-005130

B. ENVIRONMENTAL INFORMATION

C. EXISTING BUILT CONDITIONS

D. COUNTY ADOPTED PLANS

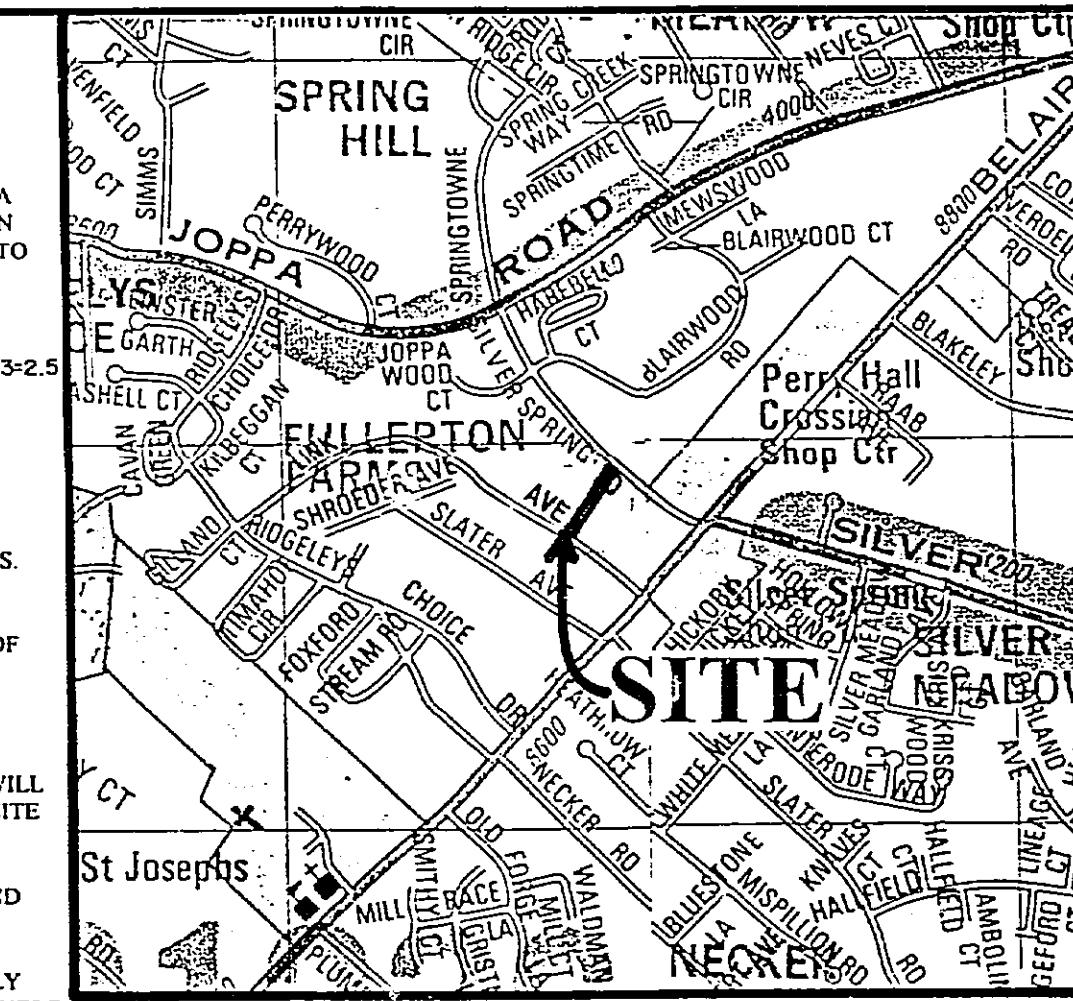
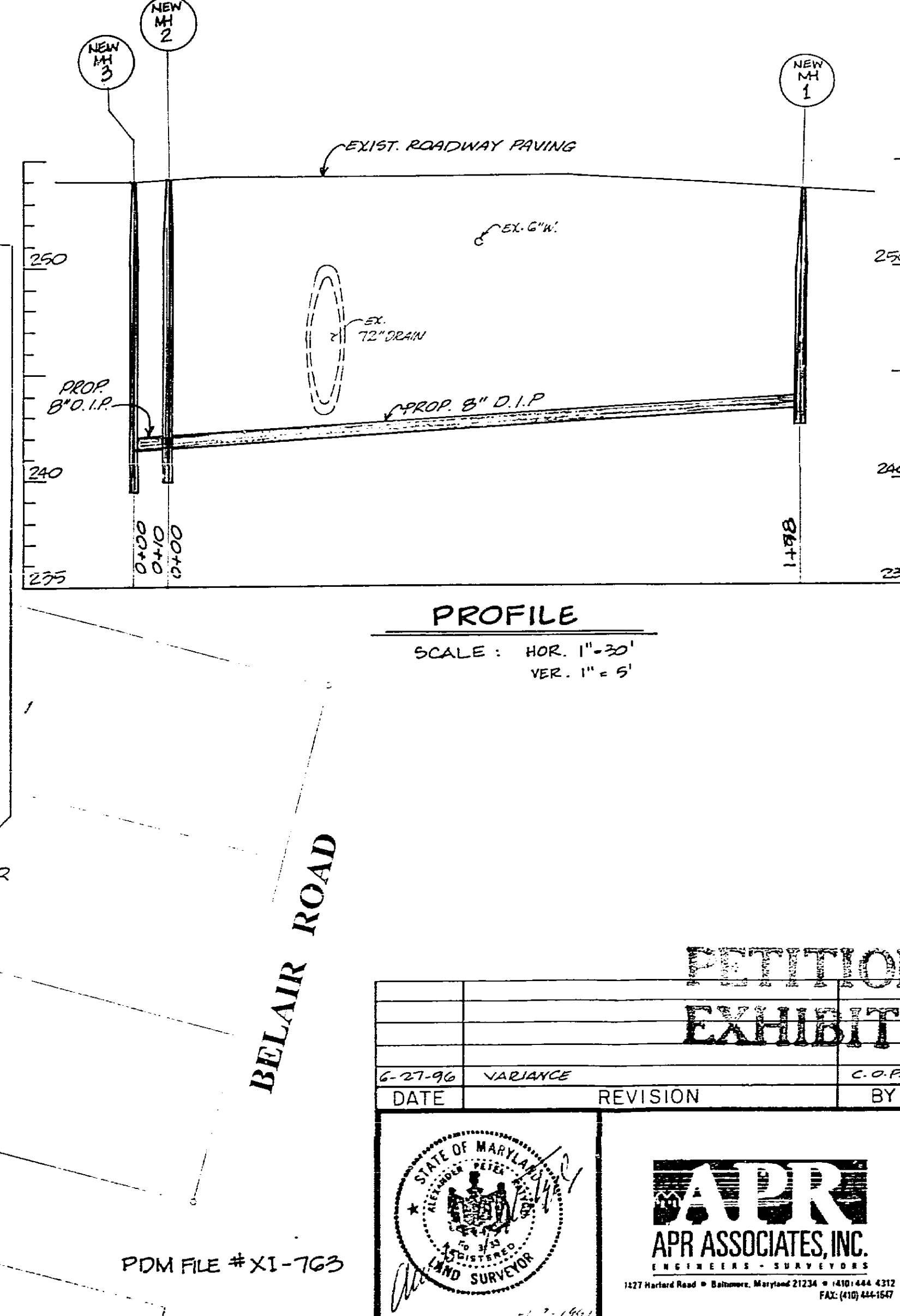
Resource Conservation Zones Example:

SITE DATA

SITE DEVELOPMENT PROPOSAL

CONSERVANCY AREA PROPOSAL (RC-4)

12.4 ADT x 2 = 24.8



VICINITY MAP
SCALE: 1" = 1,000'

GENERAL NOTES

1. TOTAL AREA
GROSS = 0.4483 AC. NET = 0.4483 AC.
LOT 64 A = 11,960 S.F. = 0.27456 AC.

2. EXISTING ZONING
= DR 5.5
200' SCALE FULLERTON
35 NE 24

3. LOTS PERMITTED
= 2

4. LOTS PROPOSED
= 2

5. DEED REFERENCES
= 6200/390

6. ADJACENT ZONING
= DR 5.5

7. EXISTING USE
= 1 SINGLE FAMILY DWELLINGS

8. PROPOSED USE
= 2 SINGLE FAMILY DWELLINGS

9. OWNERS

LOT 64 - KENNETH J. GOELLER JR. AND WIFE
4114 LINK AVENUE
BALTIMORE, MD 21236
(410) 256-2607
DEED 6200/390
TAX ACCT 11-08-005130

10. TAX PLAT / BLOCK / PARCEL = 71 / 18 / 1175

11. COUNCILMANIC DISTRICT = 5

12. CENSUS TRACT = 4114.02

13. REGIONAL PLANNING DISTRICT = 317 A

14. ELEMENTARY SCHOOL DISTRICT = 97 PERRY HALL

15. WATERSHED = 6

16. SUBWATERSHED = 22

17. PARKING
REQUIRED = 4 P.S.
TO BE PROVIDED = 4 P.S.

18. THERE ARE NO KNOWN CRITICAL AREAS, ARCHEOLOGICAL SITES, ENDANGERED SPECIES HABITATS, HISTORICAL BUILDINGS, HAZARDOUS MATERIALS SITES NOR STORAGE ON THIS TRACT.

19. COORDINATES AND BEARING SHOWN ON THIS PLAN ARE REFERRED TO THE SYSTEM OF COORDINATES ESTABLISHED IN THE BALTIMORE COUNTY METROPOLITAN DISTRICT AND ARE BASED ON THE FOLLOWING TRAVERSE STATIONS:

STATION	NORTH	EAST
10653	35,970.43	37,452.22
10654	35,745.50	37,242.72

20. ANY FURTHER SUBDIVISION ON THIS PROPERTY WILL REQUIRE A MAJOR SUBDIVISION. THE DEVELOPER AND HIS ASSIGNS RETAIN THE RIGHT TO UTILIZE UNUSED DENSITY IN THE FUTURE IN ACCORDANCE WITH REGULATIONS IN EFFECT AT THE TIME.

21. ACCEPTANCE OF THIS PLAN IN NO WAY BINDS BALTIMORE COUNTY INTO REFUSE COLLECTION OF THIS DEVELOPMENT. AT THE TIME OF CONSTRUCTION AND AFTER ALL REQUIREMENTS (REFUSE COLLECTION PADS) HAVE BEEN MET A REPRESENTATIVE OF THE BUREAU WILL MEET WITH THE DEVELOPER OR HIS REPRESENTATIVE TO DISCUSS DETAILS OF REFUSE COLLECTION.

22. ALL SITE RUNOFF MUST BE CONVEYED TO A SUITABLE OUTFALL WITHOUT IMPOSING AN ADVERSE IMPACT ON THE RECEIVING WATERBODY, WATERCOURSE, WETLAND, STORM DRAIN OR ADJACENT PROPERTY.

23. AREA OTHER THAN 1 HOUSE, 1 DRIVE, 1 POOL AND 1 SHED TO REMAIN UNDISTURBED. TOTAL AREA OF DISTURBANCE = 4,156 S.F.

24. HOUSE DOWNSPOUTS ARE TO BE DISCHARGED ONTO PERVIOUS AREAS OR INTO DRYWELLS, WHERE FEASIBLE.

25. MINIMUM YARD SETBACKS: FRONT = 25', REAR = 30', SIDE = 10'

PETITIONER'S EXHIBIT

DATE: 6-27-96

REVISION: 25

BY: [Signature]

MINOR SUBDIVISION OF
GOELLER PROPERTY
96-055-M
11TH ELECTION DISTRICT
BALTIMORE COUNTY, MARYLAND

SCALE: AS SHOWN

DATE: APRIL 12, 1996

95013

TO: FUTURE PUBLISHING COMPANY
August 1, 1996 Issue - Jeffersonian
Please forward billing to:
APR Associates, Inc.
7427 Harford Road
Baltimore, MD 21234
444-4312

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 97-21-A (Item 22)
4114 Link Avenue
N/S Link Avenue, 474' NWly of c/l Belair Road
11th Election District - 6th Councilmanic
Legal Owner(s): Kenneth J. Goeller, Jr. and Charlene A. Goeller

Variance to allow the creation of a smaller 50 foot wide lot in lieu of the required 55 feet and an existing 8 foot side yard in lieu of the required 10 feet.

HEARING: TUESDAY, AUGUST 20, 1996 at 9:30 a.m. in Room 118, Old Courthouse.

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.



Baltimore County
Department of Permits and
Development Management

July 26, 1996

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 97-21-A (Item 22)
4114 Link Avenue
N/S Link Avenue, 474' NWly of c/l Belair Road
11th Election District - 6th Councilmanic
Legal Owner(s): Kenneth J. Goeller, Jr. and Charlene A. Goeller

Variance to allow the creation of a smaller 50 foot wide lot in lieu of the required 55 feet and an existing 8 foot side yard in lieu of the required 10 feet.

HEARING: TUESDAY, AUGUST 20, 1996 at 9:30 a.m. in Room 118, Old Courthouse.

Arnold Jablon
Director

cc: Kenneth and Charlene A. Goeller, Jr.
APR Associates, Inc.

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

Printed with Soybean Ink
on Recycled Paper



Baltimore County
Department of Permits and
Development Management

August 19, 1996

Mr. and Mrs. Kenneth J. Goeller, Jr.
4114 Link Avenue
Baltimore, MD 21236

RE: Item No.: 22
Case No.: 97-21-A
Petitioner: Kenneth Goeller, et ux

Dear Mr. and Mrs. Goeller:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on July 18, 1996.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Roslyn Eubanks in the zoning office (887-3391).

Sincerely,

W. Carl Richards, Jr.
Zoning Supervisor

WCR/re
Attachment(s)

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Permits and Development
Management

DATE: July 30, 1996

FROM: Pat Keller, Director
Office of Planning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning has no comments on the following petition(s):

Item Nos. 22, 23, 24 and 25.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3495.

Prepared by: Jeffrey W. Long
Division Chief: Cheryl L. Verna

PK/JL/lw

ITEM22/PZONE/ZAC1



Maryland Department of Transportation
State Highway Administration

David L. Winstead
Secretary
Paul Kassoff
Administrator

Ms. Joyce Watson
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 022 (CAM)

Dear Ms. Watson:

This office has reviewed the referenced plan and we have no objection to approval as the development does not access a State roadway and is not effected by any State Highway Administration projects.

Please contact Bob Small at 410-545-5581 if you have any questions. Thank you for the opportunity to review this plan.

Very truly yours,

for Bob Small
Ronald Burns, Chief
Engineering Access Permits
Division

BS

My telephone number is _____
Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free
Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits & Development
Management

Date: August 2, 1996

FROM: Robert W. Bowling, Chief
Development Plans Review Division

SUBJECT: Zoning Advisory Committee Meeting
for August 5, 1996
Item Nos. 017, 019, 020, 021, 022,
023, 024, and 025

The Development Plans Review Division has reviewed the subject zoning item, and we have no comments.

RWB:HJO:jrb

cc: File

ZONE20

RE: PETITION FOR VARIANCE
4114 Link Avenue, N/S Link Avenue, 474'
NWly of c/l Belair Road, 11th
Election District, 6th Councilmanic
Kenneth J. and Charlene A. Goeller, Jr.
Petitioners

BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY
CASE NO. 97-21-A

ENTRY OF APPEARANCE

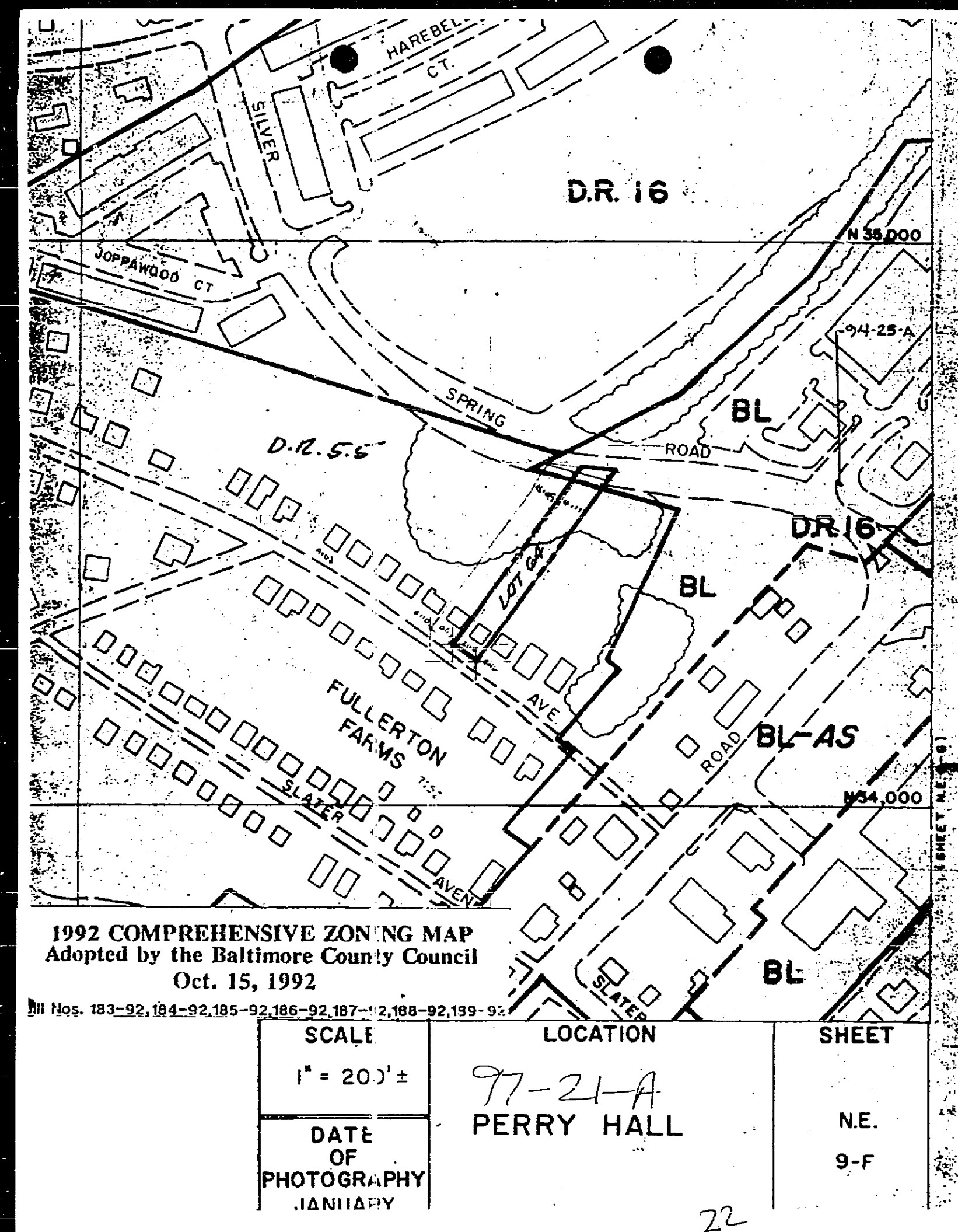
Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final order.

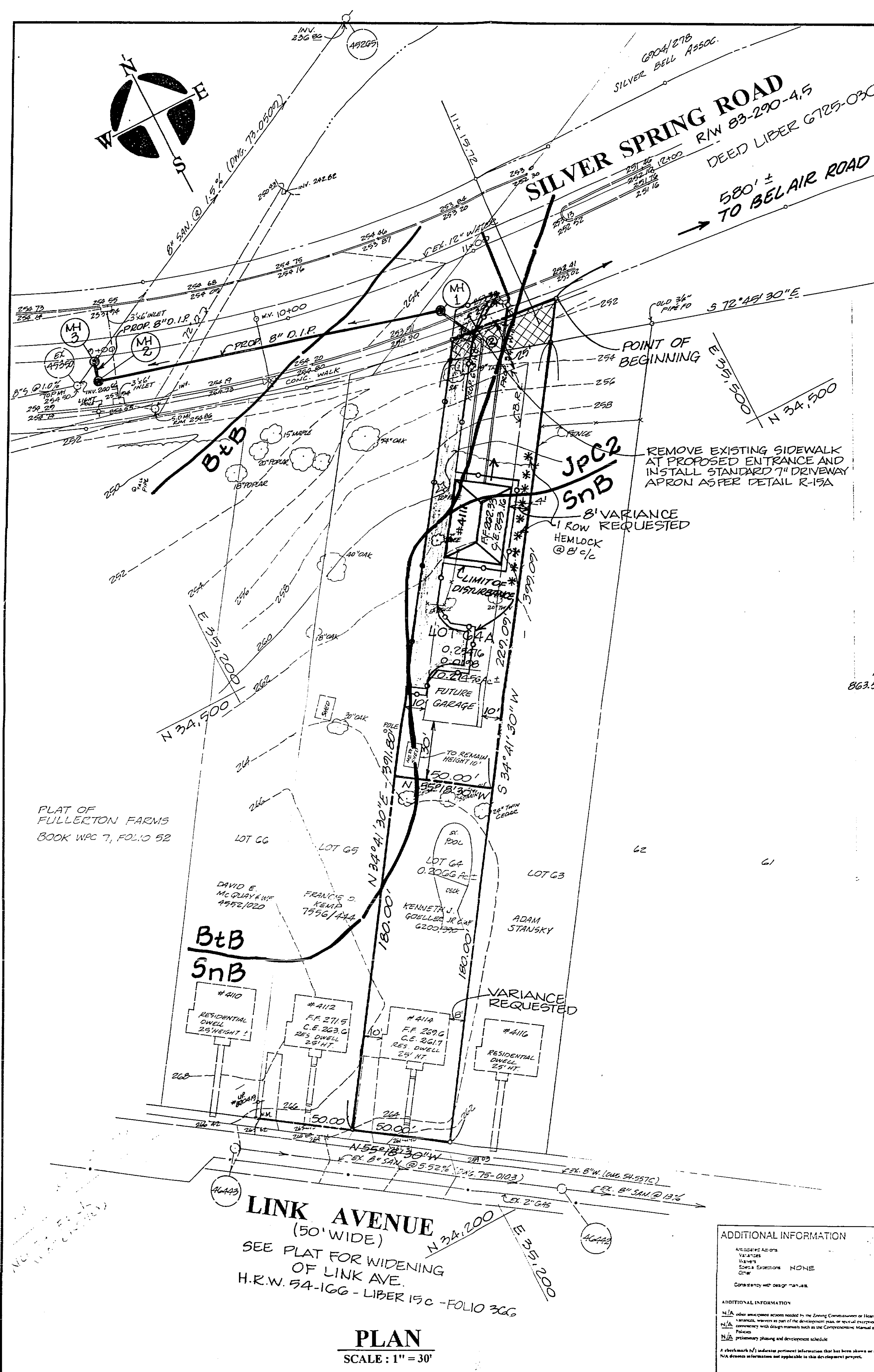
Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County
Carole S. Demilio
CAROLE S. DEMILIO
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 23rd day of August, 1996, a copy of the foregoing Entry of Appearance was mailed to Alexander P. Ratych, APR Associates, Inc. 7427 Harford Road, Baltimore, MD 21234, representative for Petitioners.

Peter Max Zimmerman
PETER MAX ZIMMERMAN





SILVER SPRING ROAD
RW 83-290-4.5
DEED LIPER 6725-030
580' ±
TO BELAIR ROAD
WAYNE R. LAUMAN
8303/1275
0.472 AC ±
LOUIS C. LAUMANN JR. & WIFE
E.H.K. JR. 6159/1632
LOUIS C. LAUMANN JR. & WIFE
T.B.S. 1766/217
PARCEL 2 - PROPERTY TO BE CONVEYED
FROM WAYNE R. LAUMAN
TO KENNETH J. GOELLER JR. & WIFE
863.55 F. or 0.0198 AC ±

REQUIRED INFORMATION

A. PREPARER OF PLAN
Name: APR ASSOCIATES, INC.
Address: 1421 HARFORD ROAD
Baltimore, MD 21204

DEVELOPER/OWNER
Name: KENNETH J. GOELLER JR. & WIFE
Address: 414 LINK AVENUE
Baltimore, MD 21206

B. ENVIRONMENTAL INFORMATION

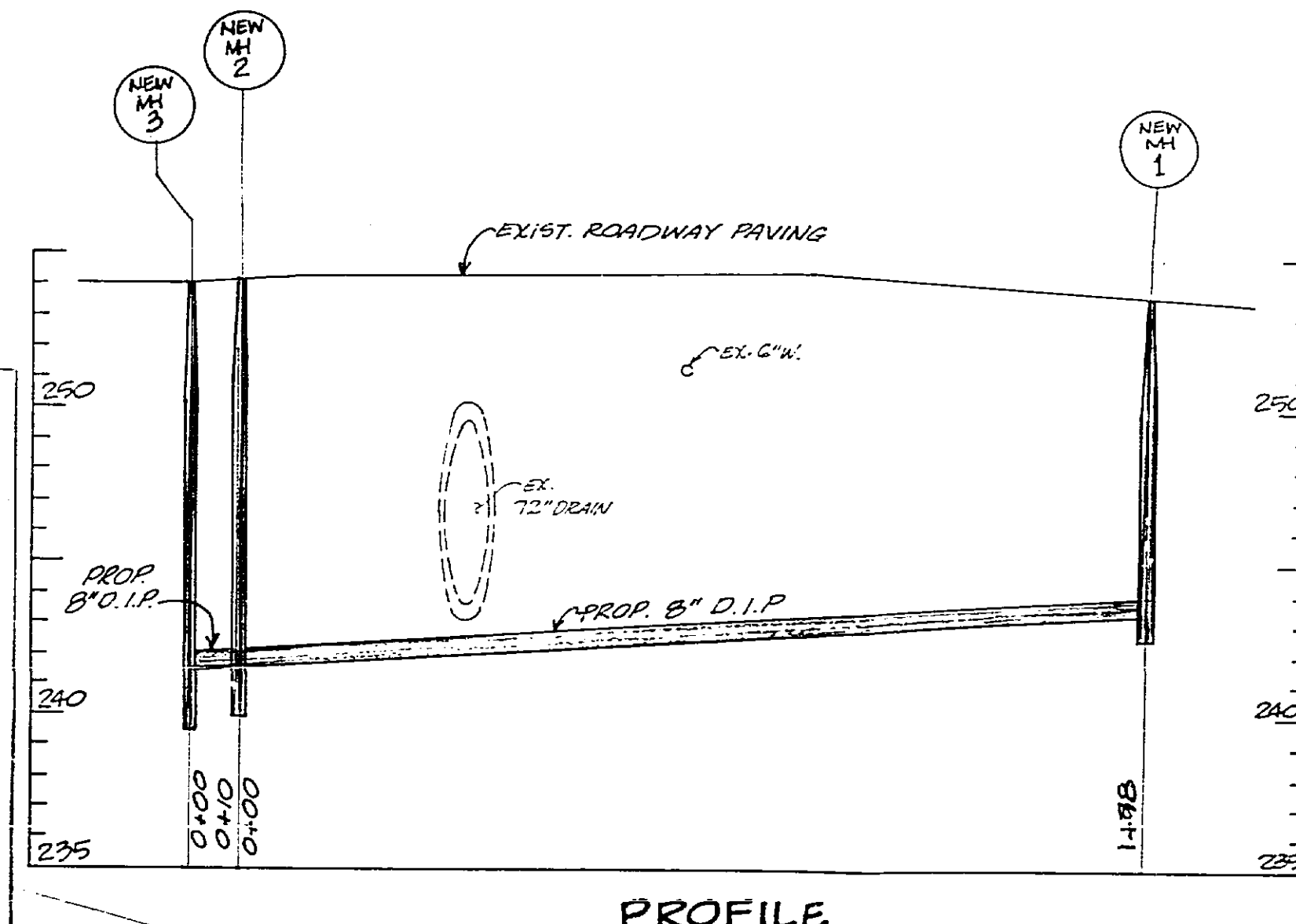
C. EXISTING BUILT CONDITIONS

D. COUNTY ADOPTED PLANS

ADDITIONAL INFORMATION

12.4 AOT x 2 = 24.8

26. A WAIVER HAS BEEN REQUESTED FOR THE REQUIRED LOCAL OPEN SPACE.
27. THIS PROPERTY AS SHOWN ON THE PLAN HAS BEEN HELD INTACT SINCE 12/19/1922. THE DEVELOPER'S ENGINEER HAS CONFIRMED THAT NO PART OF THE GROSS AREA OF THESE PROPERTIES AS SHOWN ON THE PLAN HAS EVER BEEN UTILIZED, RECORDED OR REPRESENTED AS DENSITY OR AREA TO SUPPORT ANY OFFSITE DWELLINGS.
28. DENSITY CALCULATIONS:
A. LOTS: ALL 2-WED ZONING DENSITY 6.1/25 ACRES 5.540483-2.5
B. LOTS: PROPOSED 2
29. THERE ARE NO EXISTING WELLS, SEPTICS OR UNDERGROUND STORAGE TANKS ON SITE OR ANY OTHER STRUCTURE EXCEPT AS SHOWN.
30. NO ZONING APPLICATION HAS BEEN FILED ON THIS PROPERTIES. NO ZONING HISTORY.
31. ALL IMPERVIOUS AREAS SHOULD BE LIMITED TO 30 PERCENT OF CLEARED AREA AND CONVEYED AS SHEET FLOW THROUGH VEGETATED AREAS WITHOUT CONCENTRATING OR CAUSING EROSION.
32. ADDITIONAL SUBDIVISION ON THESE PARCELS AND/OR LOTS WILL REQUIRE STORM WATER MANAGEMENT CONTROLS FOR THIS SITE AND THE ADDITIONAL SUBDIVISION.
33. PROPERTIES ARE SERVED BY PUBLIC SEWER, WATER BGR&E AND ELECTRIC LINES.
34. UNDERGROUND UTILITIES ARE SHOWN ON THIS DRAWING ONLY FOR THE CONVENIENCE OF THE USER OF THE DRAWING AND THERE IS NO WARRANTY OR GUARANTEE OF THE CORRECTNESS OR THE COMPLETENESS OF THE INFORMATION GIVEN. THE USER OF THE DRAWING MUST VERIFY ALL SUCH INFORMATION TO HIS OWN SATISFACTION.
35. THERE ARE NO WETLANDS ON THIS PROPERTY.
36. THIS PROPERTY IS EXEMPT FROM FOREST CONSERVATION REGULATIONS BECAUSE TOTAL AREA IS LESS THAN 20,000 S.F.
37. ALL CONSTRUCTION DRAWINGS AND CONSTRUCTION FOR PUBLIC USE SHALL CONFORM WITH BALTIMORE COUNTY DEPARTMENT OF PUBLIC WORKS DESIGN STANDARDS AND STANDARD SPECIFICATIONS AND DETAILS FOR CONSTRUCTION.
38. THE RESPONSIBILITIES OF THE DEVELOPER IN REGARD TO PUBLIC IMPROVEMENTS SHALL BE FOR THE INSPECTION, DESIGN, CONSTRUCTION AND MAINTENANCE OF THE PUBLIC IMPROVEMENTS. THE DEVELOPER SHALL BE RESPONSIBLE FOR THE DESIGN, CONSTRUCTION AND MAINTENANCE OF THE PUBLIC IMPROVEMENTS. THE DEVELOPER SHALL BE RESPONSIBLE FOR THE DESIGN, CONSTRUCTION AND MAINTENANCE OF THE PUBLIC IMPROVEMENTS.
39. A PUBLIC WORKS AGREEMENT MUST BE EXECUTED BY THE OWNER AND BALTIMORE COUNTY FOR THE REQUIRED PUBLIC IMPROVEMENTS. AFTER WHICH A BUILDING PERMIT MAY BE APPROVED.
40. THE DEVELOPER SHALL BE RESPONSIBLE FOR DAMAGES TO THE CHURCHES, FACILITIES, SUCH AS WATER METERS, MANHOLE, CURBS AND GUTTERS AND ETC. WITHIN HIS SUBDIVISION. SUCH DAMAGES HAVE BEEN CORRECTED.



DEVELOPER'S EXHIBIT NO. 1

DATE: 2-27-96

REVISION: 1

BY: [Signature]

VICINITY MAP
SCALE: 1" = 1,000'

GENERAL NOTES:

1. TOTAL AREA: GROSS = 0.4483 AC. NET = 0.4483 AC.
2. EXISTING ZONING: DR 5.5
3. LOTS PERMITTED: 2
4. LOTS PROPOSED: 2
5. DEED REFERENCES: 6200990
6. ADJACENT ZONING: DR 5.5
7. EXISTING USE: 1 SINGLE FAMILY DWELLINGS
8. PROPOSED USE: 2 SINGLE FAMILY DWELLINGS
9. OWNERS:

LOT 64 - KENNETH J. GOELLER JR. & WIFE
414 LINK AVENUE
BALTIMORE, MD 21206
4100-250-287
DEED 6200/1390
TAX ACCT. 11-08-005730

10. TAX PLAT / BLOCK / PARCEL: 71 / 18 / 1175

11. COUNCILMANIC DISTRICT: 5

12. CENSUS TRACT: 4114 02

13. REGIONAL PLANNING DISTRICT: 317 A

14. ELEMENTARY SCHOOL DISTRICT: 97 PERRY HALL

15. WATERSHED: 6

16. SUBWATERSHED: 22

17. PARKING REQUIRED TO BE PROVIDED: 4 P.S.

18. THERE ARE NO KNOWN CRITICAL AREAS, ARCHEOLOGICAL SITES, ENDANGERED SPECIES HABITATS, HISTORICAL BUILDINGS, HAZARDOUS MATERIALS SITES NOR STORAGE ON THIS TRACT.

19. COORDINATES AND BEARING SHOWN ON THIS PLAN ARE REFERRED TO THE SYSTEM OF COORDINATES ESTABLISHED IN THE BALTIMORE COUNTY METROPOLITAN DISTRICT AND ARE BASED ON THE FOLLOWING TRAVEL STATIONS:

STATION	NORTH	EAST
10653	35,970.43	37,452.22
10654	35,745.50	37,462.72

20. ANY FURTHER SUBDIVISION ON THIS PROPERTY WILL REQUIRE A MAJOR SUBDIVISION. THE DEVELOPER AND HIS ASSIGNS RETAIN THE RIGHT TO UTILIZE UNUSED DENSITY IN THE FUTURE IN ACCORDANCE WITH REGULATIONS IN EFFECT AT THE TIME.

21. ACCEPTANCE OF THIS PLAN IN NO WAY BINDS BALTIMORE COUNTY TO REFUSE COLLECTION OF THIS DEVELOPMENT AT THE TIME OF CONSTRUCTION AND AFTER ALL REQUIREMENTS (REFUSE COLLECTION PADS) HAVE BEEN MET. A REPRESENTATIVE OF THE BUREAU WILL MEET WITH THE DEVELOPER OR HIS REPRESENTATIVE TO DISCUSS DETAILS OF REFUSE COLLECTION.

22. ALL SITE RUNOFF MUST BE CONVEYED TO A SUITABLE OUTFALL WITHOUT IMPOSING AN ADVERSE IMPACT ON THE RECEIVING WATERBODY, WATERCOURSE, WETLAND, STORM DRAIN OR ADJACENT PROPERTY.

23. AREA OTHER THAN 1 HOUSE, 1 DRIVE, 1 POOL AND 1 SIED TO REMAIN UNDISTURBED. TOTAL AREA OF DISTURBANCE = 4,150 S.F.

24. HOUSE DOWNSPOUTS ARE TO BE DISCHARGED ONTO PERVIOUS AREAS OR INTO DRYWELLS, WHERE FEASIBLE.

25. MINIMUM YARD SETBACKS: FRONT = 25', REAR = 30', SIDE = 10'.

THIS PROPERTY IS NOT LOCATED IN FLOODPLAIN

22 96055 M

MINOR SUBDIVISION OF
GOELLER PROPERTY
96-055-M
11TH ELECTION DISTRICT
BALTIMORE COUNTY, MARYLAND

SCALE: AS SHOWN DATE: APRIL 12, 1996

IN RE: PETITIONS FOR VARIANCE * BEFORE THE
N/S Link Avenue, 474' & 524' NW of * DEPUTY ZONING COMMISSIONER
the c/l Belair Road (4112 and *
4114 Link Avenue); and, S/S Silver * OF BALTIMORE COUNTY
Spring Road, 630' & 580' W of *
the c/l Belair Road (4109 and * Cases Nos. 97-21-A, 97-22-A
(4111 Silver Spring Road) * 97-23-A, and 97-24-A
11th Election District *
6th Councilmanic District *

Kenneth J. Goeller, Jr., et ux *
and Francis D. Kemp, Jr., * Petitioners

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as combined Petitions for Variance for those properties known as 4112 and 4114 Link Avenue and 4109 and 4111 Silver Spring Road, located in the vicinity of Joppa Road and Belair Road in Perry Hall. The Petitions were filed by Kenneth J. Goeller, Jr., and his wife, Charlene J. Goeller, owners of 4114 Link Avenue and 4111 Silver Spring Road, and Francis D. Kemp, Jr., owner of 4112 Link Avenue and 4109 Silver Spring Road. In all four cases, relief is sought from Section 1802.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a lot width of 50 feet in lieu of the required 55 feet, and a side yard setback of 8 feet in lieu of the required 10 feet for existing and proposed improvements. The subject properties and relief requested are more particularly described on the respective site plans submitted with each Petition filed, which were accepted and marked into evidence as Petitioner's Exhibits 1.

Appearing at the hearing on behalf of the Petitions were Kenneth and Charlene Goeller, Francis Kemp, Jr., and Alexander P. Ratych, Registered Land Surveyor who prepared the site plans for each case. There were no Protestants present.

Testimony and evidence offered revealed that the properties known

as 4112 and 4114 Link Avenue are located adjacent to one another in the subdivision known as Fullerton Farms. The two properties are 50 feet wide and nearly 400 feet deep and abut Link Avenue in the front and Silver Spring Road in the rear. The Goellers and the Kemps have been neighbors for many years. The Petitioners now wish to subdivide their respective properties to create a second building lot which will front on Silver Spring Road. They then propose to develop that lot with a new single family dwelling for their respective families and either rent or sell their current homes. Due to the narrow width of the properties and the location of existing improvements thereon, the requested variances to lot width and setback requirements are necessary to legitimize existing conditions and to proceed with the proposed improvements.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soles, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether a grant of the variance would do a substantial justice to the applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give sufficient relief; and,
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

After due consideration of the testimony and evidence presented,

- 2 -

it is clear that practical difficulty or unreasonable hardship will result if the variances are not granted. It has been established that special circumstances or conditions exist that are peculiar to the land and structures which are the subject of these requests and that the requirements from which the Petitioners seek relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the relief requested will not cause any injury to the public health, safety or general welfare and is in strict harmony with the spirit and intent of the B.C.Z.R.

Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 22nd day of August, 1996 that the Petitions for Variance seeking relief from Section 1802.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a lot width of 50 feet in lieu of the required 55 feet, and a side yard setback of 8 feet in lieu of the required 10 feet for existing and proposed improvements at 4112 and 4114 Link Avenue, and 4109 and 4111 Silver Spring Road, in accordance with Petitioner's Exhibits 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.

Timothy M. Kotroco
TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

- 3 -

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

August 22, 1996

(410) 887-4386

Mr. & Mrs. Kenneth J. Goeller, Jr.
4114 Link Avenue
Baltimore, Maryland 21236

Mr. Francis D. Kemp, Jr.
4112 Link Avenue
Baltimore, Maryland 21236

RE: PETITIONS FOR VARIANCE
N/S Link Avenue, 474' & 524' NW of the c/l Belair Road
(4112 and 4114 Link Avenue); and,
S/S Silver Spring Road, 630' & 580' W of the c/l Belair Road
(4109 and 4111 Silver Spring Road)
Kenneth J. Goeller, Jr., et ux, and Francis D. Kemp, Jr. - Petitioners
Cases Nos. 97-21-A, 97-22-A, 97-23-A, and 97-24-A

Dear Mr. & Mrs. Goeller and Mr. Kemp:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Variance have been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

Timothy M. Kotroco
TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: Mr. Alexander P. Ratych, APR Associates, Inc.
7427 Harford Road, Baltimore, Md. 21234

People's Counsel

File

Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 4112 Link Avenue
which is presently zoned DR-5.5
97-22-A

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situated in Baltimore County, hereby petition for a Variance from Section 1802.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow the creation of a 50' lot in lieu of the required 55' and a side yard setback of 8' in lieu of the required 10'.

The Lots, 50' feet wide, were created on the Plat of Fullerton Farms, dated May 1922, and cannot meet the present zoning required of 55' feet in width.

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Owner
Type or Print Name
Signature
Address
City State Zip
Attorney for Petitioner
Type or Print Name
Signature
Address
City State Zip
Name, Address and phone number of representative to be contacted
Signature
Address
City State Zip
Phone No.

ESTIMATED LENGTH OF HEARING
The following date is available for hearing
ALL OTHER
REVIEWED BY CAN DATE 18 July 96
schedule with 23, 24, 25 #23

APR
APR ASSOCIATES, INC.

ZONING DESCRIPTION FOR
4112 LINK AVENUE

BEGINNING FOR THE SAME at a point on the Northerly side of Link Avenue as widened to a width of 50' feet and on which the property fronts at the distance of 524' feet more or less Northwestly from the centerline of Belair Road and being also on the division line between Lots 64 and 65 as shown on the plat of Fullerton Farms, recorded among the Land Records of Baltimore County in Plat Book W.P.C. 7, Folio 52; thence binding along the Northerly side of Link Avenue (1) North 55 degrees 18 minutes 30 seconds West 50.00 feet to a point on the division line between Lots 65 and 66 on said plat; thence leaving Link Avenue and binding along a part of said division line (2) North 34 degrees 41 minutes 30 seconds East 180.00 feet to a point; thence crossing said Lot 65 (3) South 55 degrees 18 minutes 30 seconds East 50.00 feet to intersect the division line between Lots 64 and 65 thence binding thereon (4) South 34 degrees 41 minutes 30 seconds East 180.00 feet to the point of beginning; containing 0.2066 acres more or less. Also known as 4114 Link Avenue and located in the 11th Election District and 6th Councilmanic District of Baltimore County.

07/03/96

7427 Harford Road
Baltimore, Maryland 21234-7160
(410) 887-3391
Fax: (410) 887-1547

23

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District... 11th Date of Posting... 8/18/96
Posted for... Variance
Petitioner... Francis D. Kemp, Jr.
Location of property... 4112 Link Ave.
Location of Sign... 7427 Harford Rd. on property being zoned
Remarks...
Posted by... M. Phelps Date of return... 8/18/96
Number of Signs... 1

CERTIFICATE OF PUBLICATION

TOWSON, MD. 8.11.1996

THIS IS TO CERTIFY that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 8.11.1996.

THE JEFFERSONIAN
A. Henickson
LEGAL AD. - TOWSON

NOTICE OF HEARING
The Zoning Commission of Baltimore County, by authority of the County and the Board of Baltimore County will hold a public hearing on the proposed Variance from the Zoning Regulations of Baltimore County at the County Office Building, 111 West Chesapeake Avenue, Towson, Maryland 21204, on Monday, August 20, 1996 at 2:00 p.m. in Room 112. On Courtroom 112. The Commission will receive and consider all applications for a Variance to allow the creation of a 50' lot in lieu of the required 55' feet and a side yard setback of 8' in lieu of the required 10 feet. Hearing Tuesday, August 20, 1996 at 2:00 p.m. in Room 112, On Courtroom 112.
LAWRENCE SCHWARTZ
Zoning Commissioner for Baltimore County
NOTICE: (1) Hearing on the proposed Variance will be held on Tuesday, August 20, 1996 at 2:00 p.m. in Room 112, On Courtroom 112. (2) Hearing on the proposed Variance will be held on Tuesday, August 20, 1996 at 2:00 p.m. in Room 112, On Courtroom 112. (3) Hearing on the proposed Variance will be held on Tuesday, August 20, 1996 at 2:00 p.m. in Room 112, On Courtroom 112. (4) Hearing on the proposed Variance will be held on Tuesday, August 20, 1996 at 2:00 p.m. in Room 112, On Courtroom 112. (5) Hearing on the proposed Variance will be held on Tuesday, August 20, 1996 at 2:00 p.m. in Room 112, On Courtroom 112. (6) Hearing on the proposed Variance will be held on Tuesday, August 20, 1996 at 2:00 p.m. in Room 112, On Courtroom 112. (7) Hearing on the proposed Variance will be held on Tuesday, August 20, 1996 at 2:00 p.m. in Room 112, On Courtroom 112. (8) Hearing on the proposed Variance will be held on Tuesday, August 20, 1996 at 2:00 p.m. in Room 112, On Courtroom 112. 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TO: SUBMITTER PUBLISHING COMPANY
August 1, 1996 Issue - Jeffersonian

Please forward billing to:

APR Associates, Inc.
7427 Harford Road
Baltimore, Maryland 21234
444-4312

NOTICE OF HEARING

The Zoning Commission of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 97-22-A (Item 23)
4112 Link Avenue
N/S Link Avenue, 524' W of c/l Belair Road
11th Election District - 6th Councilmanic
Legal Owner(s): Francis D. Kemp, Jr.

Variance to allow the creation of a 50 foot lot in lieu of the required 55 feet and a side yard setback of 8 feet in lieu of the required 10 feet.

HEARING: TUESDAY, AUGUST 20, 1996 at 9:30 a.m. in Room 118, Old Courthouse.

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.



Baltimore County
Department of Permits and
Development Management

July 26, 1996

NOTICE OF HEARING

The Zoning Commission of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

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HEARING: TUESDAY, AUGUST 20, 1996 at 9:30 a.m. in Room 118, Old Courthouse.

Arnold Jablon
Arnold Jablon
Director

cc: Francis D. Kemp, Jr.
APR Associates, Inc.

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

Printed with Soy-based Ink
on Recycled Paper



Baltimore County
Department of Permits and
Development Management

August 19, 1996

Mr. Francis D. Kemp, Jr.
4112 Link Avenue
Baltimore, MD 21234

RE: Item No.: 23
Case No.: 97-22-A
Petitioner: Francis D. Kemp, Jr.

Dear Mr. Kemp:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on July 18, 1996.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Roslyn Bubank in the zoning office (887-3391).

Sincerely,

W. Carl Richards, Jr.
W. Carl Richards, Jr.
Zoning Supervisor

WCR/ra
Attachment(s)

Printed with Soy-based Ink
on Recycled Paper

BALTIMORE COUNTY, MARYLAND INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Permits and Development
Management

DATE: July 30, 1996

FROM: Pat Keller, Director
Office of Planning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning has no comments on the following petition(s):

Item Nos. 22, 23, 24 and 25.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3495.

Prepared by:

Division Chief:

PK/JL/lw

ITEM22/PZONE/ZAC1



Maryland Department of Transportation
State Highway Administration

David L. Winstead
Secretary
Tial Kassoff
Administrator

RE: Baltimore County
Item No. 023 (CAM)

Ms. Joyce Watson
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

Dear Ms. Watson:

This office has reviewed the referenced plan and we have no objection to approval as the development does not access a State roadway and is not effected by any State Highway Administration projects.

Please contact Bob Small at 410-545-5581 if you have any questions. Thank you for the opportunity to review this plan.

Very truly yours,

Bob Small
Ronald Burns, Chief
Engineering Access Permits
Division

BS

My telephone number is _____
Maryland Relay Service for impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free
Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717

BALTIMORE COUNTY, MARYLAND INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits & Development
Management

Date: August 2, 1996

FROM: *Robert W. Bowling*
Robert W. Bowling, Chief
Development Plans Review Division

SUBJECT: Zoning Advisory Committee Meeting
for August 5, 1996
Item Nos. 017, 019, 020, 031, 022,
023, 024, and 025

The Development Plans Review Division has reviewed the subject zoning item, and we have no comments.

RWB:HJO:jrb

cc: File

ZONE20

RE: PETITION FOR VARIANCE
4112 Link Avenue, N/S Link Avenue, 524'
W of c/l Belair Road
11th Election District, 6th Councilmanic
Francis D. Kemp, Jr.
Petitioners
* * * * *

BEFORE THE
* * * * *
ZONING COMMISSIONER
* * * * *
OF BALTIMORE COUNTY
* * * * *
CASE NO. 97-22-A

ENTRY OF APPEARANCE

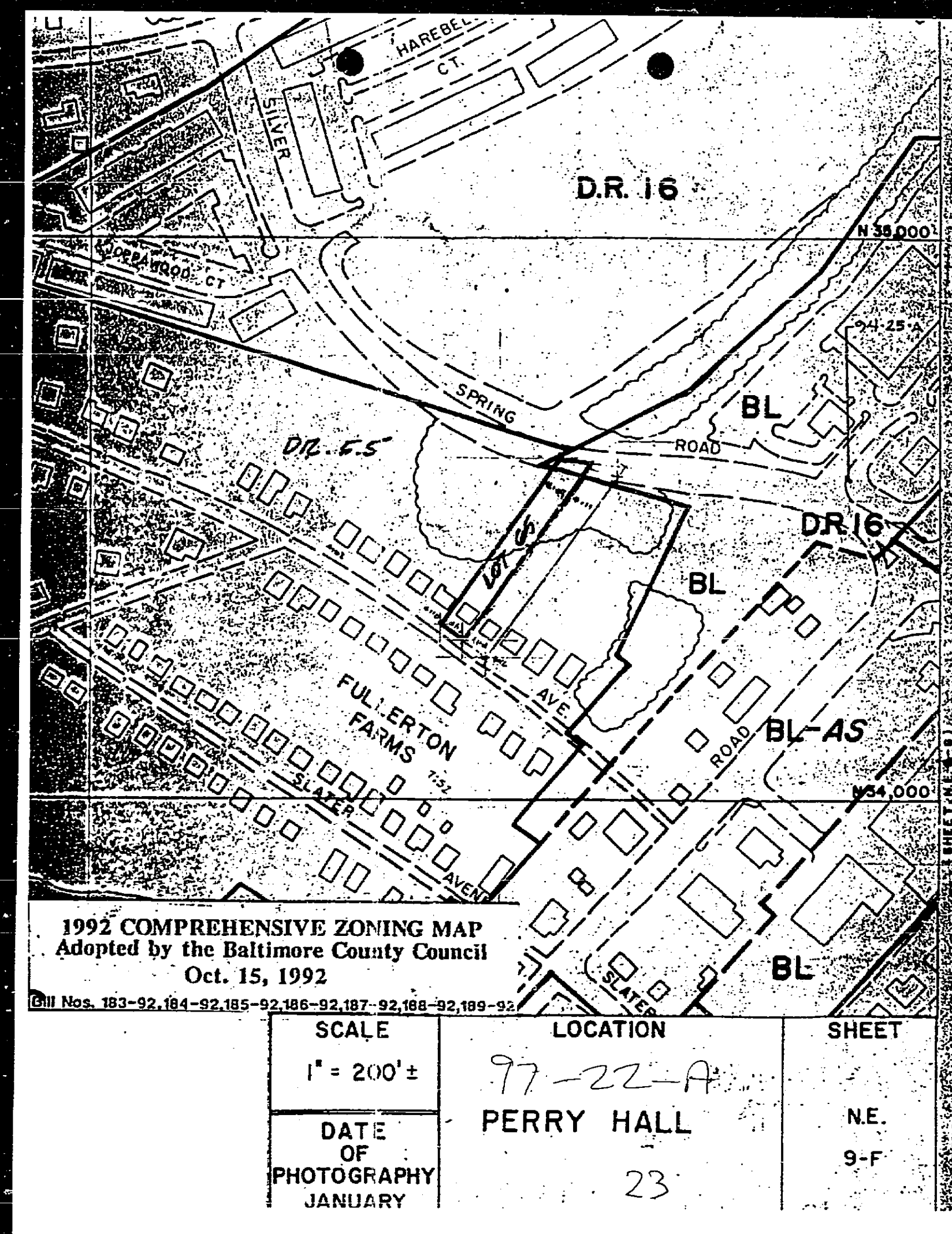
Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

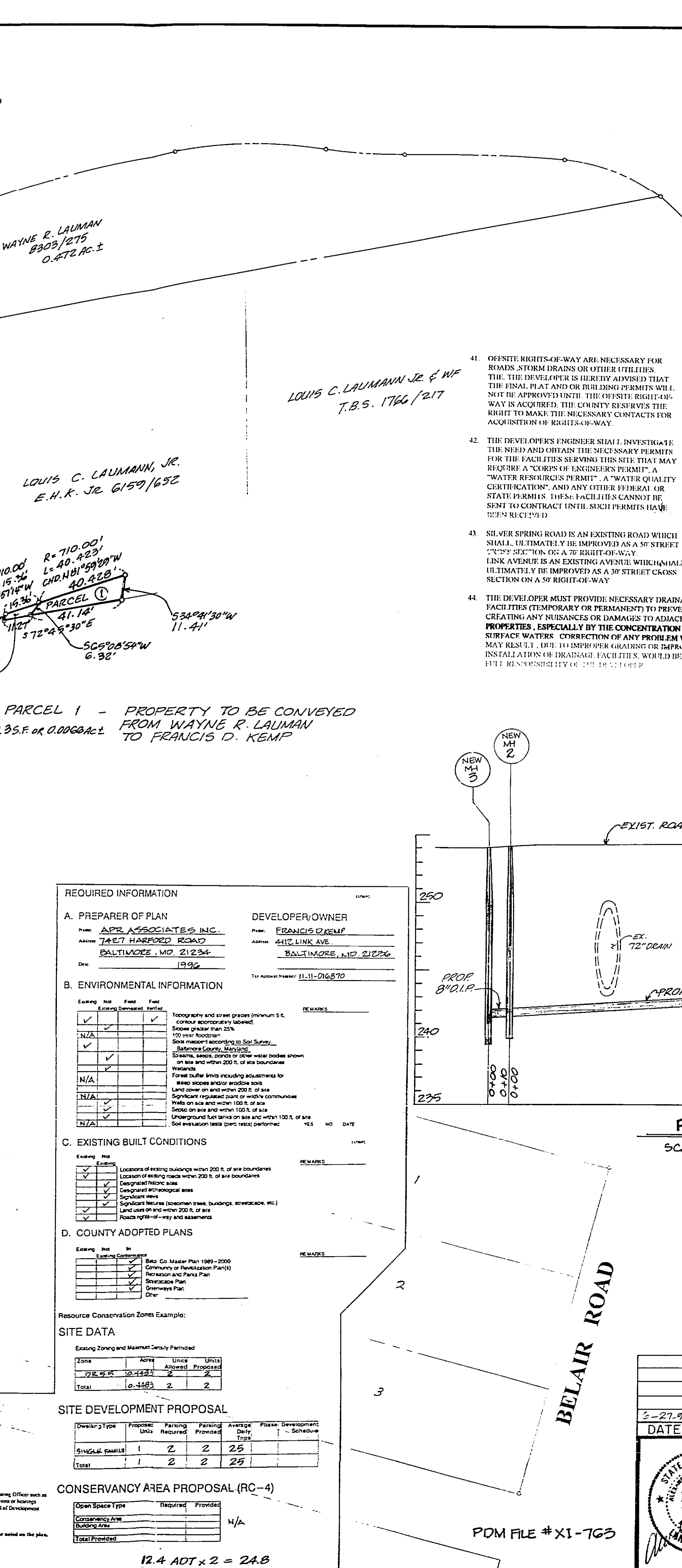
Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County
Carol S. Demilio
CAROL S. DEMILIO
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 23rd day of August, 1996, a copy of the foregoing Entry of Appearance was mailed to Alexander P. Ratych, APR Associates, Inc. 7427 Harford Road, Baltimore, MD 21234, representative for Petitioners.

Peter Max Zimmerman
PETER MAX ZIMMERMAN





PARCEL 1 - PROPERTY TO BE CONVEYED
FROM WAYNE R. LAUMAN
35.F. or 0.0066Ac± TO FRANCIS D. KEMP

Resource Conservation Zoning Example:

SITE DATA

Existing Zoning and Maximum Density Permitted

Class	Area	Units	
		Allowed	Proposed
R-16.4C	0.422	2	2
Total	0.4463	2	2

SITE DEVELOPMENT PROPOSAL

Desired Type	Proposed Units	Parking Required	Parking Provided	Average Daily Trip	Planned Development	1 Schedule
Single-Family	1	2	2			
Total	1	2	2	25		

CONSERVATION AREA PROPOSAL (RC-4)

Open Space Type	Required	Provided
Conservation Area		
Wetland Area		
Total Provided		

1/4

12.4 AOT x 2 = 24.8

SUCH DAMAGES HAVE BEEN CORRECTED

LXXII

NEW
M-1
1

ROADWAY PAVING

68'-0"W.

0.8" D.I.P

1.7' B

290

280

270

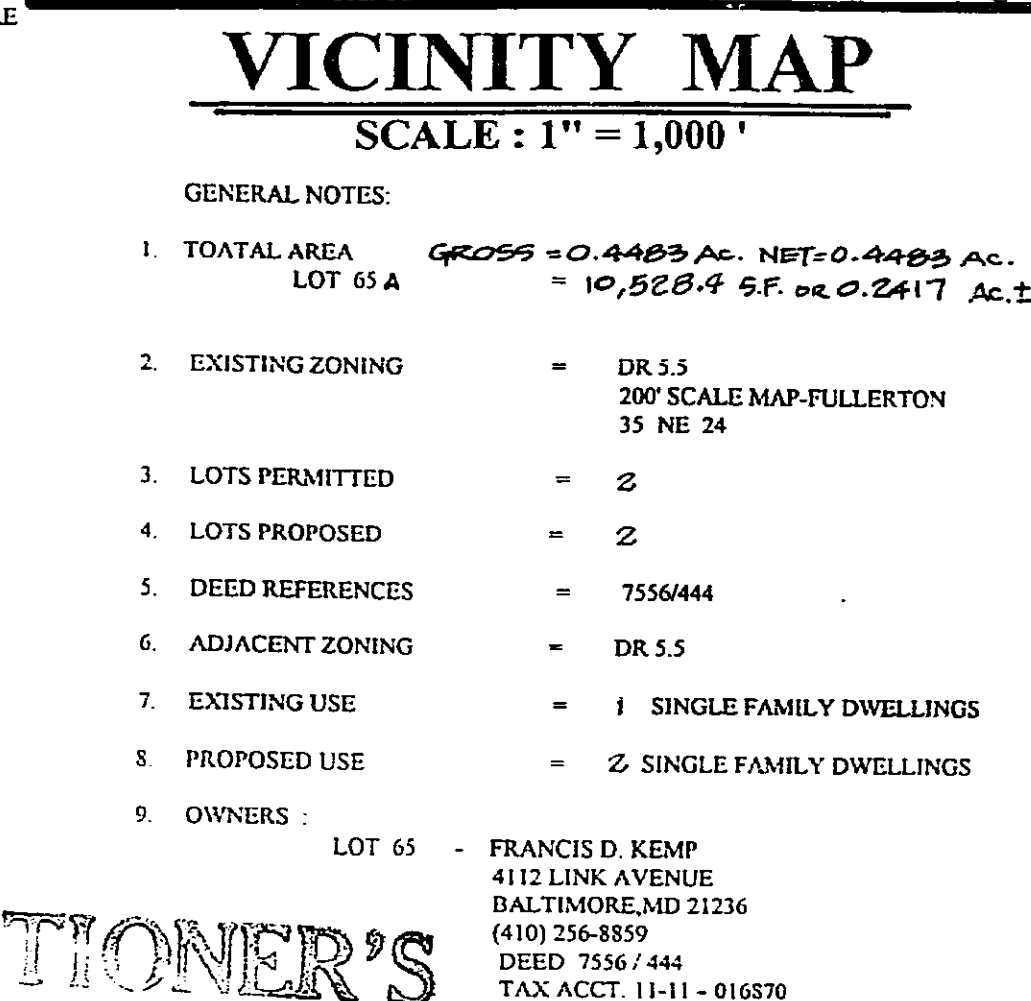
PROFILE

SCALE : HOR. 1"=30'
VER. 1" = 5'

VARIANCE	REVISION	C.O.R.	BY

OFFICE OF THE REGISTERED PROFESSIONAL SURVEYOR
STATE OF MARYLAND
JAMES H. [Signature]
REGISTERED PROFESSIONAL SURVEYOR
No. 12496

APR
APR ASSOCIATES, INC.
ESTABLISHED - 1976
3427 Harford Road • Baltimore, Maryland 21234 • (410) 464-4312
FAX: (410) 464-1667



THIS PROPERTY IS NOT LOCATED
IN FLOOD PLAIN

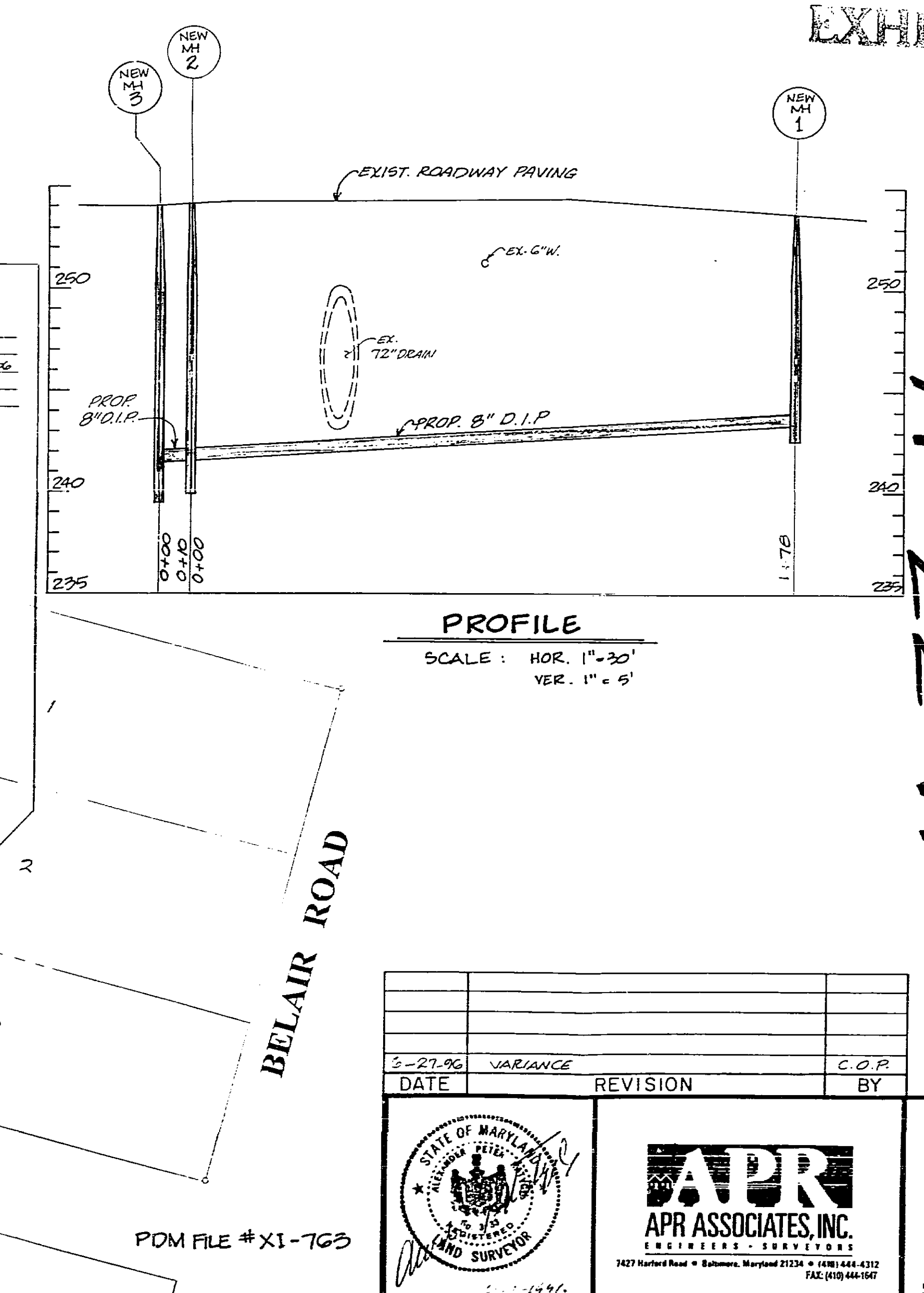
23

96056 M

MINOR SUBDIVISION OF
KEMP PROPERTY
96-056-M
11TH ELECTION DISTRICT
BALTIMORE COUNTY, MARYLAND

SCALE: AS SHOWN

DATE: APRIL 12, 1996



IN RE: PETITIONS FOR VARIANCE
N/S Link Avenue, 474' & 524' NW of
the c/l Belair Road (4112 and
4114 Link Avenue); and, S/S Silver
Spring Road, 630' & 580' W of
the c/l Belair Road (4109 and
4111 Silver Spring Road)
11th Election District
6th Councilmanic District

Kenneth J. Goeller, Jr., et ux
and Francis D. Kemp, Jr. - Petitioners

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as combined Petitions for Variance for those properties known as 4112 and 4114 Link Avenue and 4109 and 4111 Silver Spring Road, located in the vicinity of Joppa Road and Belair Road in Perry Hall. The Petitions were filed by Kenneth J. Goeller, Jr., and his wife, Charlene J. Goeller, owners of 4114 Link Avenue and 4111 Silver Spring Road, and Francis D. Kemp, Jr., owner of 4112 Link Avenue and 4109 Silver Spring Road. In all four cases, relief is sought from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a lot width of 50 feet in lieu of the required 55 feet, and a side yard setback of 8 feet in lieu of the required 10 feet for existing and proposed improvements. The subject properties and relief requested are more particularly described on the respective site plans submitted with each Petition filed, which were accepted and marked into evidence as Petitioner's Exhibits 1.

Appearing at the hearing on behalf of the Petitions were Kenneth and Charlene Goeller, Francis Kemp, Jr., and Alexander P. Ratych, Registered Land Surveyor who prepared the site plans for each case. There were no Protestants present.

Testimony and evidence offered revealed that the properties known

as 4112 and 4114 Link Avenue are located adjacent to one another in the subdivision known as Fullerton Farms. The two properties are 50 feet wide and nearly 400 feet deep and abut Link Avenue in the front and Silver Spring Road in the rear. The Goellers and the Kems have been neighbors for many years. The Petitioners now wish to subdivide their respective properties to create a second building lot which will front on Silver Spring Road. They then propose to develop that lot with a new single family dwelling for their respective families and either rent or sell their current homes. Due to the narrow width of the properties and the location of existing improvements thereon, the requested variances to lot width and setback requirements are necessary to legitimize existing conditions and to proceed with the proposed improvements.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether a grant of the variance would do a substantial justice to the applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give sufficient relief; and,
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

After due consideration of the testimony and evidence presented,

it is clear that practical difficulty or unreasonable hardship will result if the variances are not granted. It has been established that special circumstances or conditions exist that are peculiar to the land and structures which are the subject of these requests and that the requirements from which the Petitioners seek relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the relief requested will not cause any injury to the public health, safety or general welfare and is in strict harmony with the spirit and intent of the B.C.Z.R.

Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 22nd day of August, 1996 that the Petitions for Variance seeking relief from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a lot width of 50 feet in lieu of the required 55 feet, and a side yard setback of 8 feet in lieu of the required 10 feet for existing and proposed improvements at 4112 and 4114 Link Avenue, and 4109 and 4111 Silver Spring Road, in accordance with Petitioner's Exhibits 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.

Timothy M. Kotroco
TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

August 22, 1996

(410) 887-4386

Mr. & Mrs. Kenneth J. Goeller, Jr.
4114 Link Avenue
Baltimore, Maryland 21236

Mr. Francis D. Kemp, Jr.
4112 Link Avenue
Baltimore, Maryland 21236

RE: PETITIONS FOR VARIANCE
N/S Link Avenue, 474' & 524' NW of the c/l Belair Road
(4112 and 4114 Link Avenue); and,
S/S Silver Spring Road, 630' & 580' W of the c/l Belair Road
(4109 and 4111 Silver Spring Road)
Kenneth J. Goeller, Jr., et ux, and Francis D. Kemp, Jr. - Petitioners
Cases Nos. 97-21-A, 97-22-A, 97-23-A, and 97-24-A

Dear Mr. & Mrs. Goeller and Mr. Kemp:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Variance have been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

Timothy M. Kotroco
TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: Mr. Alexander P. Ratych, APR Associates, Inc.
7427 Harford Road, Baltimore, Md. 21234

People's Counsel
File

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 11th Date of Posting: 8/27/96
Posted for: Variance
Petitioner: Francis Kemp, Jr.
Location of property: 4109 Silver Spring Road
Location of Sign: Facing road on property being zoned
Remarks: None
Posted by: Matthew Date of return: 8/1/96
Number of Signs: 1

CERTIFICATE OF PUBLICATION

TOWSON, MD., 8/1, 1996

THIS IS TO CERTIFY that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 8/1, 1996.

THE JEFFERSONIAN,
A. Henick
LEGAL AD. - TOWSON

NOTICE OF HEARING
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Executive Order of Baltimore County, will hold a public hearing on the proposed petition for a variance from the Zoning Regulations at Room 106 of the County Office Building, 111 W. Chesapeake Avenue, in Towson, Maryland, 21204, on August 27, 1996, at 10:00 A.M. The hearing will be held in Room 106 of the County Office Building.
Cases: 97-23-A, 97-24-A
4109 Silver Spring Road
S/S Silver Spring Road W of c/l Belair Road
11th Election District
6th Councilmanic District
Legal Notice:
Francis D. Kemp, Jr.
Petitioner to show the cause why a variance should be granted from the Zoning Regulations to allow the creation of a smaller 50' lot width and an existing 8' side yard setback in lieu of the required 55' and 10' respectively.
Hearing: Tuesday, August 27, 1996 at 10:00 A.M. in Room 106, City Courthouse.
LAWRENCE E. SCHWARTZ
Deputy Commissioner for Baltimore County
NOTES: (1) Hearing fee \$100.00. (2) Hearing fee \$100.00. (3) Hearing fee \$100.00. (4) Hearing fee \$100.00. (5) Hearing fee \$100.00. (6) Hearing fee \$100.00. (7) Hearing fee \$100.00. (8) Hearing fee \$100.00. (9) Hearing fee \$100.00. (10) Hearing fee \$100.00. (11) Hearing fee \$100.00. (12) Hearing fee \$100.00. (13) Hearing fee \$100.00. (14) Hearing fee \$100.00. (15) Hearing fee \$100.00. (16) Hearing fee \$100.00. (17) Hearing fee \$100.00. (18) Hearing fee \$100.00. (19) Hearing fee \$100.00. (20) Hearing fee \$100.00. (21) Hearing fee \$100.00. (22) Hearing fee \$100.00. (23) Hearing fee \$100.00. (24) Hearing fee \$100.00. (25) Hearing fee \$100.00. (26) Hearing fee \$100.00. (27) Hearing fee \$100.00. (28) Hearing fee \$100.00. (29) Hearing fee \$100.00. (30) Hearing fee \$100.00. (31) Hearing fee \$100.00. (32) Hearing fee \$100.00. (33) Hearing fee \$100.00. (34) Hearing fee \$100.00. (35) Hearing fee \$100.00. (36) Hearing fee \$100.00. (37) Hearing fee \$100.00. 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TO: FUTURE PUBLISHING COMPANY
August 1, 1996 Issue - Jeffersonian

Please forward billing to:

APR Associates, Inc.
7427 Harford Road
Baltimore, MD 21234
444-4312

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 97-23-A (Item 24)
4109 Silver Spring Road
S/S Silver Spring, 680' W of c/l Belair Road
11th Election District - 6th Councilmanic
Legal Owner(s): Francis D. Kemp, Jr.

Variance to allow the creation of a smaller 50 foot wide lot in lieu of the required 55 feet and an existing 8 foot side yard in lieu of the required 10 feet.

HEARING: TUESDAY, AUGUST 20, 1996 at 9:30 a.m. in Room 118, Old Courthouse.

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.



Baltimore County
Department of Permits and
Development Management

July 26, 1996

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

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4109 Silver Spring Road
S/S Silver Spring, 680' W of c/l Belair Road
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HEARING: TUESDAY, AUGUST 20, 1996 at 9:30 a.m. in Room 118, Old Courthouse.

Call John

Arnold Jablon
Director

cc: Francis D. Kemp, Jr.
APR Associates, Inc.

NOTES: (1) ZONING STICK & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

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on Recycled Paper



Baltimore County
Department of Permits and
Development Management

August 19, 1996

Mr. Francis D. Kemp, Jr.
4112 Link Avenue
Baltimore, MD 21234

RE: Item No.: 24
Case No.: 97-23-A
Petitioner: Francis D. Kemp, Jr.

Dear Mr. Kemp:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on July 18, 1996.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Roslyn Eubanks in the zoning office (887-3391).

Sincerely,

W. Carl Richards, Jr.
W. Carl Richards, Jr.
Zoning Supervisor

WCR/re
Attachment(s)

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on Recycled Paper

BALTIMORE COUNTY, MARYLAND INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Permits and Development
Management

DATE: July 30, 1996

FROM: Pat Keller, Director
Office of Planning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning has no comments on the following petition(s):

Item Nos. 22, 23, 24 and 25.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3495.

Prepared by: *Jeffrey W. Long*

Division Chief: *Charles L. Vans*

PK/JL/lw

ITEM22/PZONE/ZAC1



Maryland Department of Transportation
State Highway Administration

David L. Winstead
Secretary
Hal Kassoff
Administrator

Ms. Joyce Watson
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 024 (CAM)

Dear Ms. Watson:

This office has reviewed the referenced plan and we have no objection to approval as the development does not access a State roadway and is not effected by any State Highway Administration projects.

Please contact Bob Small at 410-545-5581 if you have any questions. Thank you for the opportunity to review this plan.

Very truly yours,
Bob Small
for Ronald Burns, Chief
Engineering Access Permits
Division

BS

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717

BALTIMORE COUNTY, MARYLAND INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits & Development
Management

Date: August 2, 1996

FROM: *Bob* Robert W. Bowling, Chief
Development Plans Review Division

SUBJECT: Zoning Advisory Committee Meeting
for August 5, 1996
Item Nos. 017, 019, 020, 021, 022,
023, 024, and 025

The Development Plans Review Division has reviewed the subject zoning item, and we have no comments.

RWB:HJO:jrb

cc: File

ZONE20

RE: PETITION FOR VARIANCE
4109 Silver Spring Road, S/S Silver
Spring, 680' W of c/l Belair Road
11th Election District, 6th Councilmanic
Francis D. Kemp, Jr.
Petitioners

BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY
CASE NO. 97-23-A

ENTRY OF APPEARANCE

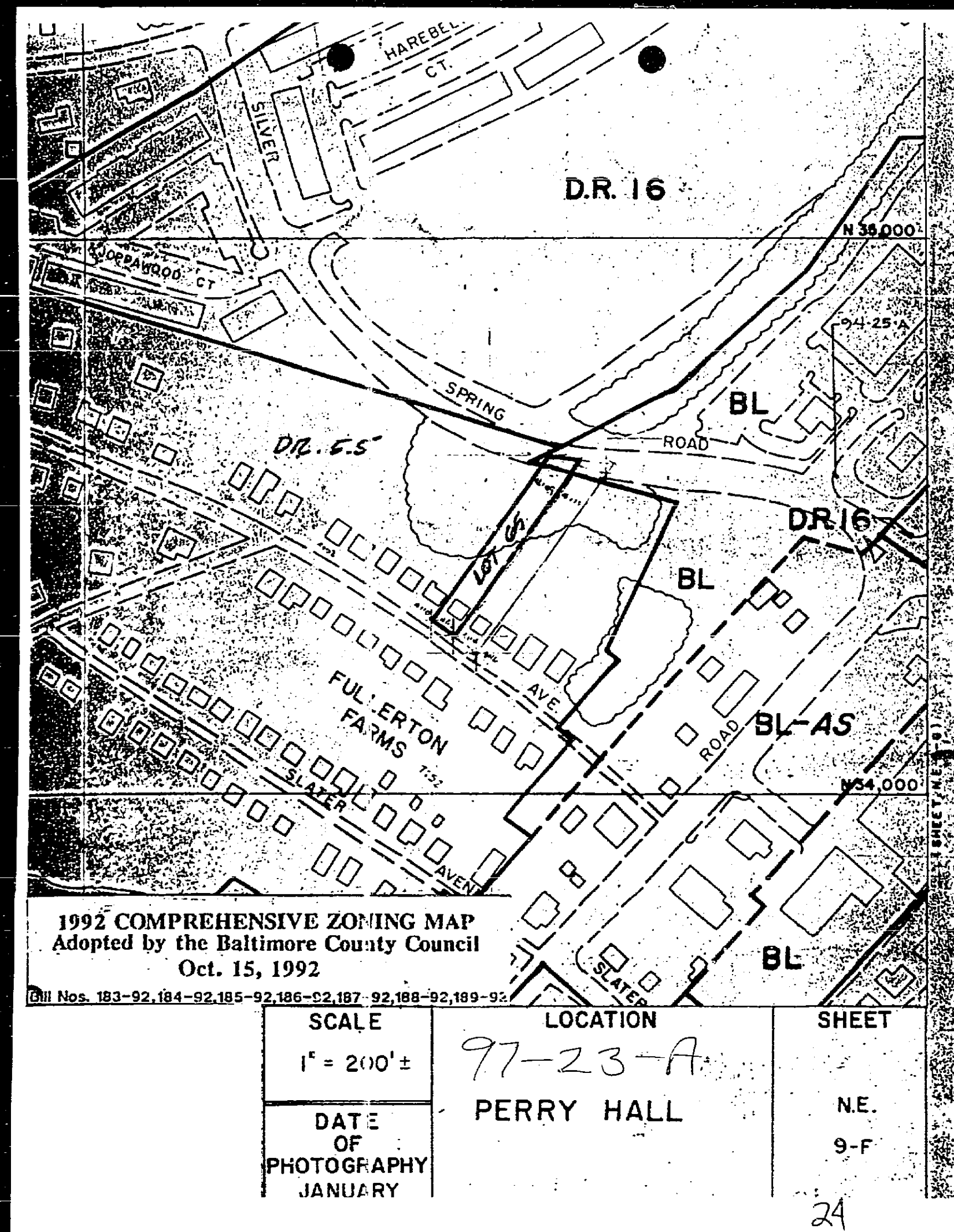
Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

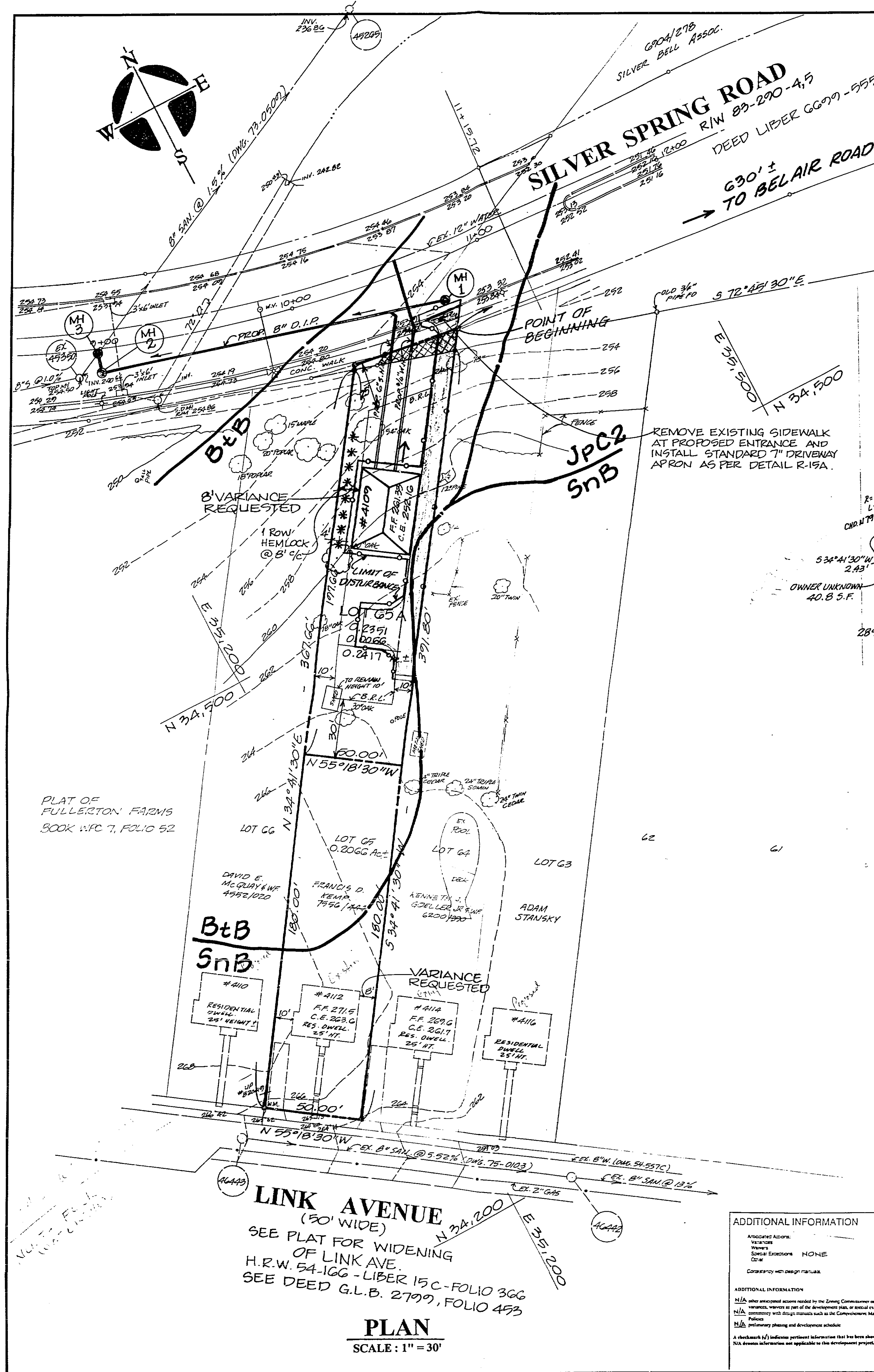
Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County
Carole S. Demilio
CAROLE S. DEMILIO
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 23rd day of August, 1996, a copy of the foregoing Entry of Appearance was mailed to Alexander P. Ratych, APR Associates, Inc. 7427 Harford Road, Baltimore, MD 21234, representative for Petitioners.

Peter Max Zimmerman
PETER MAX ZIMMERMAN





REQUIRE INFORMATION

A. PREPARER OF PLAN

NAME: APR ASSOCIATES, INC.
ADDRESS: 1401 HARBOR ROAD
BALTIMORE, MD 21206
DATE: 1992

DEVELOPER/OWNER

NAME: FRANCIS D. KEMP
ADDRESS: 4112 LINK AVENUE
BALTIMORE, MD 21236
DATE: 1992

B. ENVIRONMENTAL INFORMATION

C. EXISTING BUILT CONDITIONS

D. COUNTY ADOPTED PLANS

E. SITE DATA

F. SITE DEVELOPMENT PROPOSAL

G. CONSERVANCY AREA PROPOSAL (RC-4)

26. A WAIVER HAS BEEN REQUESTED FOR THE REQUIRED LOCAL OPEN SPACE.

27. THIS PROPERTY AS SHOWN ON THE PLAN HAS BEEN HELD INTACT SINCE 12/19/1922. THE DEVELOPER'S ENGINEER HAS CONFIRMED THAT NO PART OF THE GROSS AREA OF THESE PROPERTIES AS SHOWN ON THE PLAN HAS EVER BEEN UTILIZED, ACCORDING OR REPRESENTED AS DENSITY OR AREA TO SUPPORT ANY OPPOSITE DWELLINGS.

28. DENSITY CALCULATIONS:

A. LOTS ALLOWED ZONING DENSITY x GROSS ACRES = 5.5 x 0.4483 = 2.4658

B. LOTS PROPOSED = 2

29. THERE ARE NO EXISTING WELLS, SEPTICS OR UNDERGROUND STORAGE TANKS ON SITE OR ANY OTHER STRUCTURE EXCEPT AS SHOWN.

30. NO ZONING APPLICATION HAS BEEN FILED ON THIS PROPERTY. NO ZONING HISTORY.

31. ALL IMPERVIOUS AREAS SHOULD BE LIMITED TO 30 PERCENT OF CLEARED AREA AND CONVEYED AS SHEET FLOW THROUGH VEGETATED AREAS WITHOUT CONCENTRATING OR CAUSING EROSION.

32. ADDITIONAL SUBDIVISION ON THESE PARCELS AND/OR LOTS WILL REQUIRE STORM WATER MANAGEMENT CONTROLS FOR THIS SITE AND THE ADDITIONAL SUBDIVISION.

33. PROPERTIES ARE SERVED BY PUBLIC SEWER, WATER BGR&E AND ELECTRIC LINES.

34. UNDERGROUND UTILITIES ARE SHOWN ON THIS DRAWING ONLY FOR THE CONVENIENCE OF THE USER OF THE DRAWING AND THERE IS NO WARRANTY OR GUARANTEE OF THE CORRECTNESS OR THE COMPLETENESS OF THE INFORMATION GIVEN. THE USER OF THE DRAWING MUST VERIFY ALL SUCH INFORMATION TO HIS OWN SATISFACTION.

35. THERE ARE NO WETLANDS ON THIS PROPERTY.

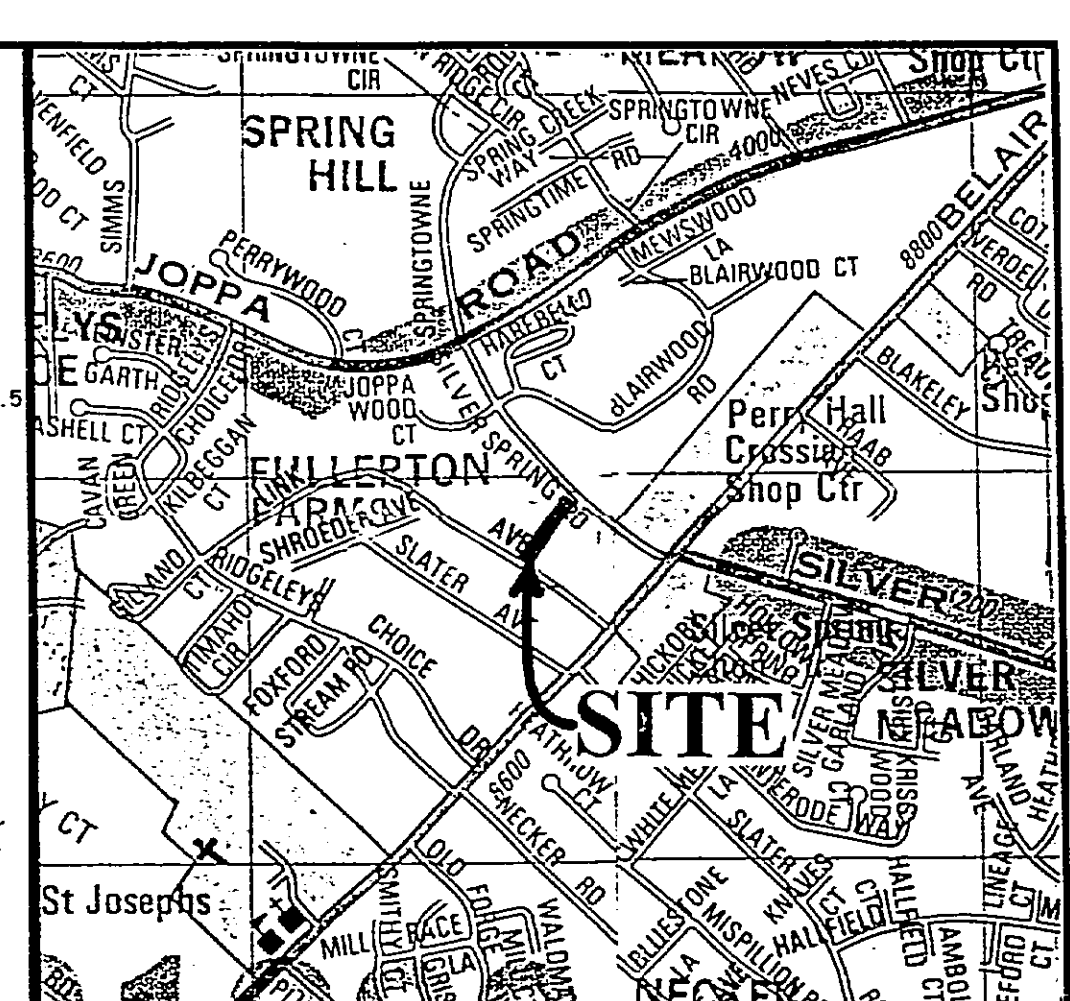
36. THIS PROPERTY IS EXEMPT FROM FOREST CONSERVATION REGULATIONS BECAUSE TOTAL AREA IS UNDER 20,000 S.F.

37. ALL CONSTRUCTION DRAWINGS AND CONSTRUCTION FOR PUBLIC USE SHALL COMPLY WITH THE REQUIREMENTS OF THE PUBLIC WORKS DESIGN STANDARD AND STANDARD SPECIFICATIONS AND DETAILS FOR CONSTRUCTION.

38. THE RESPONSIBILITIES OF THE DEVELOPER IN REGARD TO PUBLIC IMPROVEMENTS SHALL INCLUDE THE DESIGN, CONSTRUCTION AND MAINTENANCE OF THE IMPROVEMENTS. THE DEVELOPER SHALL BE RESPONSIBLE FOR THE DESIGN, CONSTRUCTION AND MAINTENANCE OF THE IMPROVEMENTS. THE DEVELOPER SHALL BE RESPONSIBLE FOR THE DESIGN, CONSTRUCTION AND MAINTENANCE OF THE IMPROVEMENTS.

39. A PUBLIC WORKS AGREEMENT MUST BE ENTERED INTO BY THE OWNER AND BALTIMORE COUNTY FOR THE REQUIRED PUBLIC IMPROVEMENTS, AFTER WHICH A BUILDING PERMIT MAY BE OBTAINED.

40. THE DEVELOPER SHALL BE RESPONSIBLE FOR DAMAGES TO THE COUNTY'S FACILITIES, SUCH AS WATER MAINS, SEWERS, CURBS AND GUTTERS AND UTILITIES WITHIN HIS SUBDIVISION. SUCH DAMAGES SHALL BE WITHIN 14 DAYS OF THE DATE OF THE DAMAGE.



VICINITY MAP
SCALE: 1" = 1,000'

GENERAL NOTES:

1. TOTAL AREA: GROSS = 0.4483 AC. NET = 0.4483 AC. LOT 65 A: 10,528.5 S.F. OR 0.2417 AC.

2. EXISTING ZONING: DR 5.5

3. LOTS PERMITTED: 2

4. LOTS PROPOSED: 2

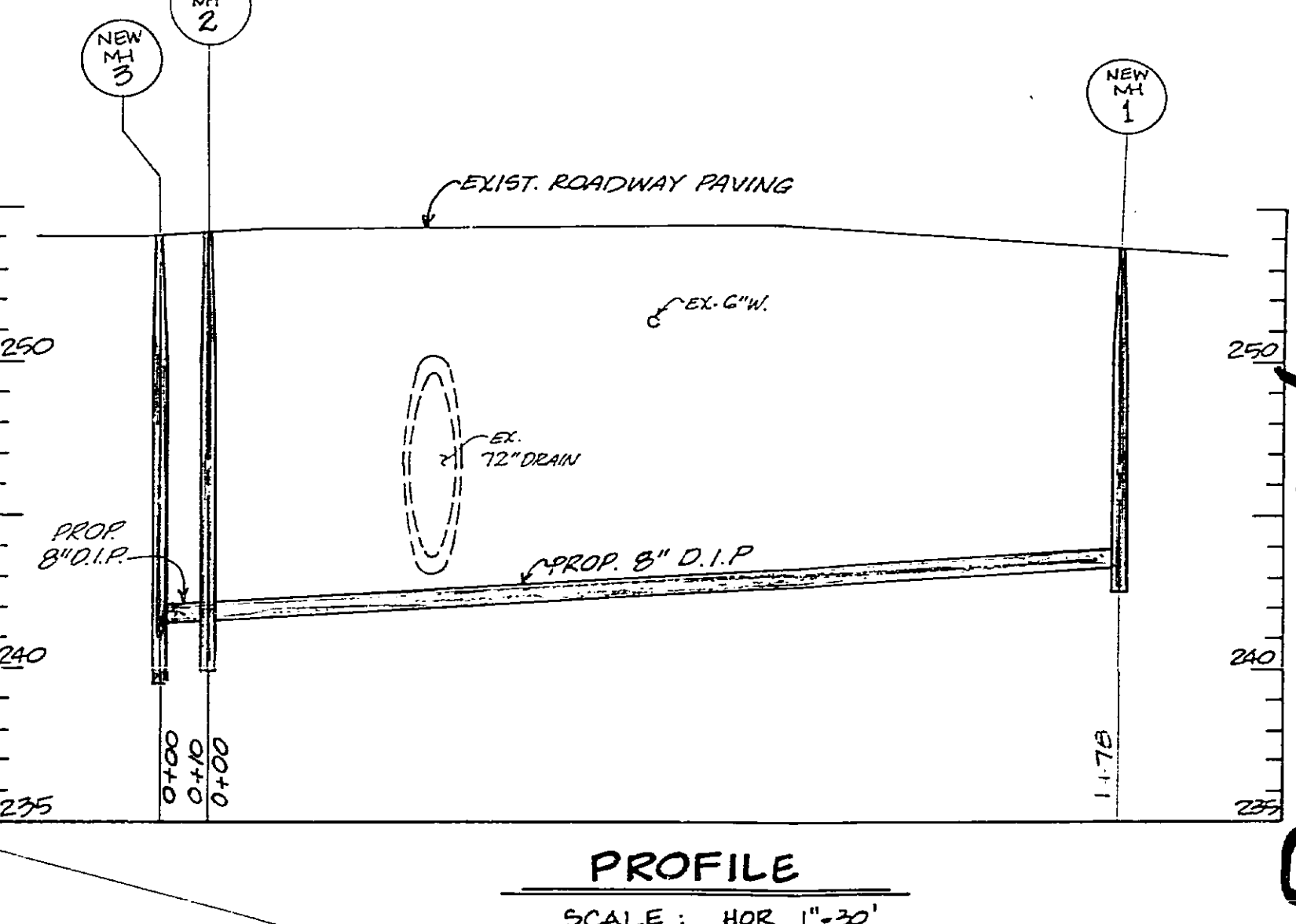
5. DEED REFERENCES: 7556444

6. ADJACENT ZONING: DR 5.5

7. EXISTING USE: 1 SINGLE FAMILY DWELLINGS

8. PROPOSED USE: 2 SINGLE FAMILY DWELLINGS

9. OWNERS: LOT 65 - FRANCIS D. KEMP, 4112 LINK AVENUE, BALTIMORE, MD 21236, (410) 256-8859, DEED 7556 / 444, TAX ACCT. 11-11 - 016570



10. TAX PLAT / BLOCK / PARCEL: 71 / 18 / 1175

11. COUNCILMANIC DISTRICT: 6

12. CENSUS TRACT: 4114.02

13. REGIONAL PLANNING DISTRICT: 317 A

14. ELEMENTARY SCHOOL DISTRICT: 97 PERRY HALL

15. WATERSHED: 6

16. SUBWATERSHED: 22

17. PARKING: REQUIRED TO BE PROVIDED: 4 P.S.

18. THERE ARE NO KNOWN CRITICAL AREAS, ARCHEOLOGICAL SITES, ENDANGERED SPECIES HABITATS, HISTORICAL BUILDINGS, HAZARDOUS MATERIALS SITES NOR STORAGE ON THIS TRACT.

19. COORDINATES AND BEARING SHOWN ON THIS PLAN ARE REFERRED TO THE SYSTEM OF COORDINATES ESTABLISHED IN THE BALTIMORE COUNTY METROPOLITAN DISTRICT AND ARE BASED ON THE FOLLOWING TRAVERSE STATIONS:

STATION	NORTH	EAST
10653	35,970.43	37,452.22
10654	35,745.50	37,742.72

20. ANY FURTHER SUBDIVISION ON THIS PROPERTY WILL REQUIRE A MAJOR SUBDIVISION. THE DEVELOPER AND HIS ASSIGNS RETAIN THE RIGHT TO UTILIZE UNUSED DENSITY IN THE FUTURE IN ACCORDANCE WITH REGULATIONS IN EFFECT AT THE TIME.

21. ACCEPTANCE OF THIS PLAN IN NO WAY BINDS BALTIMORE COUNTY INTO REFUSE COLLECTION OF THIS DEVELOPMENT. AT THE TIME OF CONSTRUCTION AND AFTER ALL REQUIREMENTS (REFUSE COLLECTION PADS) HAVE BEEN MET, A REPRESENTATIVE OF THE BUREAU WILL MEET WITH THE DEVELOPER OR HIS REPRESENTATIVE TO DISCUSS DETAILS OF REFUSE COLLECTION.

22. ALL SITE RUNOFF MUST BE CONVEYED TO A SUITABLE OUTFALL WITHOUT IMPOSING AN ADVERSE IMPACT ON THE RECEIVING WATERBODY, WATERCOURSE, WETLAND, STORM DRAIN OR ADJACENT PROPERTY.

23. AREA OTHER THAN 1 HOUSE, 1 DRIVE AND 1 SHED TO REMAIN UNDISTURBED. TOTAL AREA OF DISTURBANCE = 4,156 S.F.

24. HOUSE DOWNSPOUTS ARE TO BE DISCHARGED ONTO PVIOUS AREAS OR INTO DRYWELLS, WHERE FEASIBLE.

25. MINIMUM YARD SETBACKS: FRONT = 25', REAR = 30', SIDE = 10'

97-23-D

THIS PROPERTY IS NOT LOCATED IN FLOOD PLAIN

24 96056 M

MINOR SUBDIVISION OF KEMP PROPERTY

96-056-M

11TH ELECTION DISTRICT

BALTIMORE COUNTY, MARYLAND

SCALE: AS SHOWN DATE: APRIL 12, 1992